

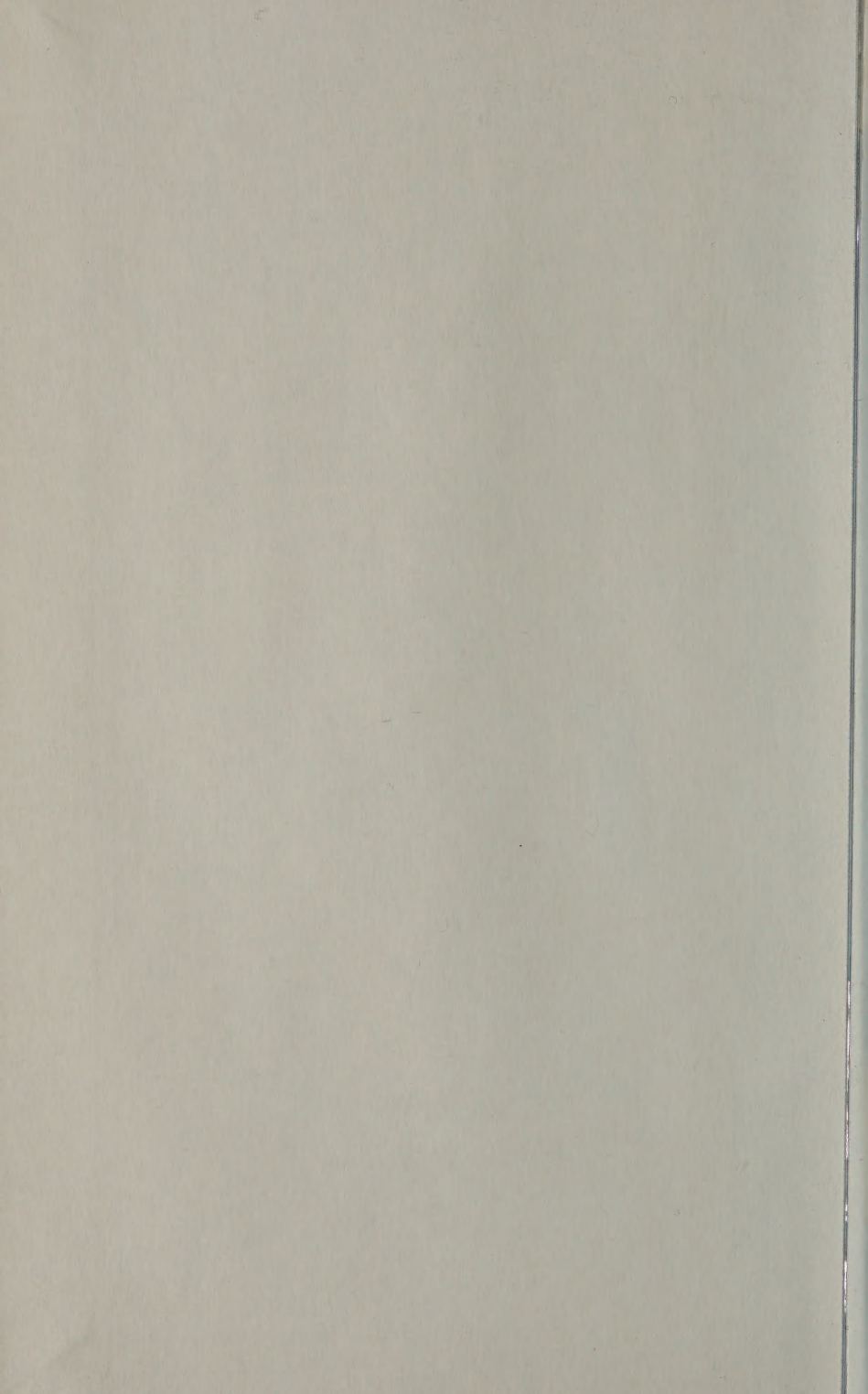
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HOUSE JOURNALS
OF THE
Eleventh Regular Session
OF THE
LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF MONTANA

Begun at Helena, the Capital of said Territory, on the 13th day of
January 1879, and concluded on the 21st day of
February 1879.

SAMUEL WORD
Speaker of the House

James E. Kanouse
Chief Clerk of the House

James W. Kemper
Enrolling and Engrossing Clerk

Wm. Hardenbrook
Sergeant at Arms

PUBLISHED BY AUTHORITY

HOUSE JOURNAL

OF THE

Eleventh Session

OF THE

Legislative Assembly

OF THE

TERRITORY OF MONTANA

**Begun at Helena, the Capital of said Territory,
on the 13th day of January 1879,
and concluded on the 21st day
of February 1879.**

Note: In transcribing this Journal from the original handwritten copy certain grammatical and spelling changes were made for uniformity. The original Journal remains on permanent file in the office of the Secretary of State.

MEMBERS OF THE ELEVENTH
LEGISLATIVE ASSEMBLY

House of Representatives

Names of Members	Counties Represented
Barbour, Samuel A.	Beaverhead
Beach, Elizur	Lewis and Clarke
Boardman, William T.	Deer Lodge
Boyer, Joseph J.	Madison
Brooke, Edward G.	Jefferson
Combs, Edwin H.	Madison
Cornick, Samuel B.	Deer Lodge
Edwards, Caldwell	Gallatin
Fergus, James	Lewis and Clarke
Forbis, John F.	Deer Lodge
Hamilton, Alfred B.	Choteau
Harrington, Curtis L.	Meagher
Marion, Joseph E.	Missoula
McCormick, Washington Jay	Missoula
McElroy, James	Deer Lodge
Mood, Henry H.	Madison
Noyes, John	Deer Lodge
Perkins, William L.	Gallatin
Robinson, John C.	Deer Lodge
Sanders, Wilbur F.	Lewis and Clarke
Steell, George	Lewis and Clarke
Stuart, Granville	Lewis and Clarke
Sweeney, John M.	Lewis and Clarke
Thorpe, James T.	Meagher
Wilson, Enoch	Jefferson
Word, Samuel, Speaker	Madison

Subordinate Officers

James Kanouse	Chief Clerk
James W. Kemper	Eng. and En. Clerk
Wm. Hardenbrook	Sgt. at Arms and D.
Rev. M. N. Gilbert	Chaplain
Bennie R. Roberts	Messenger
John A. Quirk	Watchman

Delegate to Legislature from Custer Co.—Paul McCormick

Council

Names of Members

Counties Represented

Barrett, Martin	Meagher
Conrad, Wm. G.	Choteau & Lewis and Clarke
Gillette, W. C.	Lewis and Clarke
Hays, W.O.P.	Gallatin
Hickman, R.O.	Madison
Holter, A.M.	Lewis and Clarke
Hyde, Joseph A.	Deer Lodge
Ives, F. C.	Missoula
Kennon, R. T.	Deer Lodge
Mitchell, Armistead H., President	Deer Lodge
Parberry, Wm.	Meagher
Sanders, J. G.	Jefferson
Sedman, Oscar A.	Madison

Subordinate Officers

Harry R. Comly	Chief Clerk
Haden E. Riddle	Eng. and En. Clerk
J. G. Smith	Sgt. at Arms and Doorkeeper
Rev. John Armstrong	Chaplain
Richard Carr	Messenger
Michael Kelly	Watchman

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1879 House Journal

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ELEVENTH LEGISLATIVE ASSEMBLY

of the

TERRITORY OF MONTANA

HOUSE JOURNAL

FIRST DAY

House of Representatives
January 13th 1879.

The House met in pursuance of law, and was called to order by A. H. Barret Chief Clerk of the Tenth Legislative Assembly.

The roll of members elect was called, when the following members appeared and answered to their names, to wit;

From Madison County,

J. J. Boyer, E. H. Combs, H. H. Mood and Samuel Word,

From Jefferson County,

E. G. Brooke, Enoch Wilson,

From Gallatin County,

W. L. Perkins, C. Edwards,

From Meagher County,

C. L. Harrington, J. T. Thorpe,

From Chouteau County,

A. B. Hamilton,

From Lewis and Clarke County,

E. Beach, J. M. Sweeney, Granville Stuart, W. H. Sanders, George Steell, James Fergus,

From Deer Lodge County,

J. C. Robinson, S. B. Cornick, John F. Forbis, James McElroy, John Noyes,

From Missoula County,

W. J. McCormick, J. A. Marion,

From Beaverhead County,

S. A. Barbour,

On motion of W. J. McCormick, the Hon. Henry N. Blake, Associate Justice of the Supreme Court was introduced and administered the Oath of Office to the members present.

On motion of W. J. McCormick, Granville Stuart was elected Speaker pro tem.

On motion of W. J. McCormick, A. H. Barret was elected Chief Clerk pro tem.

On motion of Mr. Brooke, A Committee of Five, consisting of Brooke, Sanders, Forbis, Steell and Mood, were appointed, on Credentials.

Mr. Brooke, Chairman of Com't on Credentials reported as follows, to wit:

"Mr. Speaker,

Your Committee on Credentials, having discharged the duty imposed upon it by virtue of its appointment, begs leave respectfully to report that the following persons are entitled to seats in this Legislative Assembly, as members of the House of Representatives from the respective districts named, to wit:

From the County of Madison,

Joseph J. Boyer,
Edwin H. Combs,
Henry H. Mood,
Samuel Word,

From the County of Beaver Head,

Samuel A. Barbour,

From the County of Deer Lodge,

William T. Boardman,
Samuel B. Cornick,
John F. Forbis,
James McElroy,
John Noyes,
John C. Robinson,

From the County of Missoula,

Joseph E. Marion,
Washington J. McCormick,

From the County of Lewis and Clarke,

Elizur Beach,
James Fergus,
Wilbur F. Sanders,
Granville Stuart,
George Steell,
John M. Sweeney,

From the County of Jefferson,

Edward G. Brooke,
Enoch Wilson,

From the County of Gallatin,

Caldwell Edwards,
William L. Perkins,

From the County of Meagher,

Curtis L. Harrington,
James T. Thorpe,

From the County of Chouteau,

Alfred B. Hamilton.

All of which is respectfully submitted,

Signed E.G. Brooke
John F. Forbis
George Steell
H.H. Mood
W.F. Sanders
Committee"

On motion of Mr. Harrington, the report was adopted.

On motion of Mr. McCormick, the House took a recess until 2½ o'clock P.M.

2½ O'clock P.M.

The House resumed.

Mr. Speaker Pro tem in the chair.

Roll called. Members all present.

Mr. Robinson moved that the House proceed to elect their permanent officers, which motion was carried.

Mr. McCormick moved that the permanent Officers be elected by ballot.

On motion of Mr. Robinson, Messrs Cornick and Sweeney were appointed Tellers.

Nominations being in order, Mr. McCormick placed Mr. Sam Word of Madison County in nomination, for Speaker.

Mr. Steell nominated Mr. W. F. Sanders of Lewis and Clarke.

The House then proceeded to ballot, and Mr. Word received Nineteen votes, Mr. Sanders received Five and Mr. Robinson One vote.

Mr. Word having received a majority of all the votes cast he was declared elected Speaker.

On motion W. F. Sanders and W. J. McCormick were appointed to escort the Speaker elect to the chair, which duty was performed.

On motion of W. J. McCormick, the rule was suspended and Wm. Hardenbrook was elected Sergeant at Arms and Door Keeper by acclamation.

On motion of Mr. McCormick the rule was suspended, and J. E. Kanouse was declared elected Chief Clerk by acclamation.

Nominations for Engrossing and Enrolling Clerk being in order, Mr. Sanders nominated Geo. I. C. Hibbs, Mr. Robinson nominated J. W. Kemper of Deer Lodge.

There being no other nominations the House then proceeded to ballot which resulted as follows:

Mr. Hibbs received Three votes, Mr. Kemper received Twenty Two votes and was declared duly elected Engrossing and Enrolling Clerk.

On motion of Mr. Robinson the rule was suspended and Master Bennie Roberts was elected Page by acclamation.

Nominations being in order for Fireman Mr. Robinson nominated Mr. John R. Quirk, Mr. Sanders nominated Mr. Robert Casey.

There being no other nominations the House then proceeded to ballot which resulted as follows:

For Mr. Jn. R. Quirk 19 votes

For Mr. Robert Casey 6 votes

Mr. Quirk, having received a majority of all the votes cast, was declared elected Fireman.

Mr. Robinson placed Mr. M. N. Gilbert in nomination for Chaplain.

And on motion of Mr. Sweeney the rule was suspended and Mr. Gilbert was elected by acclamation.

On motion the following gentlemen were appointed as a Committee on Rules of Order with the Speaker as Chairman, to wit:

Sanders, Robinson, Forbis and McCormick.

On motion Messrs Mood and Fergus were appointed a committee to inform Mr. Gilbert of his election as Chaplain of this House.

On motion of Mr. McCormick, the House adjourned to 10 o'clock tomorrow.

A. H. Barret
Chief Clerk Pro tem

Samuel Word
Speaker of the House of Representatives

SECOND DAY

House of Representatives
January 14th 1879

The House met pursuant to adjournment, Mr. Speaker in the Chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Sanders of Committee on Rules reported as follows:

“Mr. Speaker,—Your Committee on Rules, beg leave to recommend that, until further action be taken, the rules of government for the House during the last Legislative Assembly, be adopted as the rules of this House.

Respectfully Submitted
(W. F. Sanders
J. C. Robinson
John F. Forbis
W. J. McCormick”

Report was adopted.

On motion of Mr. Sanders a Committee of three was appointed to inform the Honorable Council that the House was organized and ready for business. Messrs Sanders, Hamilton and Cornick were appointed as such Committee.

On motion of Mr. Robinson, a Committee consisting of Messrs. Robinson, Brooke and Fergus, was appointed to wait upon the Governor and inform him of the organization of the House.

W. T. Boardman member elect from Deer Lodge County, appeared and was sworn in.

Mr. Robinson reported as follows:

“Mr. Speaker,

Your Committee appointed to wait on the Governor and inform him of the organization of this House, respectfully report,

That we have so waited upon his Excellency and were advised by him that as soon as the Council was organized he would communicate with the House.

J. C. Robinson, Chairman”

Report received.

Mr. Sanders reported as follows:

“Mr. Speaker,

Your Committee appointed to inform the Honorable Council of the organization of the House respectfully reports—That it has discharged that duty. All of which is respectfully submitted,

Report received.

On motion of Mr. Sanders the House took a recess until 2½ o'clock P.M.

2½ O'Clock P.M.

The House resumed—Mr. Speaker in the Chair.

Roll called—Quorum present.

A Committee from the Council consisting of R. O. Hickman, R. T. Kennon and F. C. Ives, presented the following communication.

“Mr. Speaker,

We are appointed as a Committee to inform your Honorable body, that the Council has organized by the election of the following officers, viz:

H. H. Mitchell—President

H. R. Comly—Chief Clerk

J. G. Smith—Serg't at Arms

Michael Kelly—Watchman

Hadden E. Riddle—Enrolling & Engrossing Clk.

Richard Carr—Messenger

Rev. John Armstrong—Chaplain.

and we are now ready to proceed with the business of the Session.

R. O. Hickman

R. T. Kennon

F. C. Ives”

Mr. Robinson from Committee on Rules reported as follows:

“Mr. Speaker,

Your Committee on rules for the government of the House would respectfully report,

That we recommend the adoption of the rules adopted at the 10th Legislative Assembly, as the permanent rules of this Session.

Very Respectfully

Sam Word

J. C. Robinson

W. F. Sanders

John F. Forbis

W. J. McCormick”

On motion of Mr. Sanders the report was adopted.

Notices were given as follows:

By Mr. McCormick,

“Mr. Speaker,

I hereby give notice that I will on tomorrow or some subsequent day, introduce a bill for an act entitled, “An act to provide for the bonding of the floating debt, and for the refunding of the bonded debt of Missoula County, and for other purposes.”

By Mr. Brooke,

“An act to tax jury fees.”

Mr. Sanders offered the following resolution,

“Whereas,—by the provisions of Chapter 329 of the Laws of the 2nd Session of the Forty Fifth Congress, approved June 19th 1878, pertaining to Government in the Territories, this Legislative Assembly finds itself confronted with Congressional Legislation which will greatly impair, if it does not wholly destroy the efficiency and usefulness of the Session, and

Whereas—we are informed that no sufficient appropriation, to pay the necessary expenses, justified by existing laws, of the United States, has been made, and are farther confronted by the question whether our session is valid by reason of the provisions of Section 1886 of the revised Statutes of the United States, and

Whereas—by the provisions of the Laws first above referred to, *Attachees* of the separate Houses, constituting the Assembly, have been abolished whose labors are absolutely essential to the usefulness of our action, and we are forbidden by Section 1855 of said revised Statutes, to pay moneys therefore from the Territorial Treasury, and which we ought not to be required to do.

Now therefore Be it Resolved—by the Legislative Assembly of the Territory of Montana (the Council concurring) that the two Houses of the Legislative Assembly will adjourn at 12 o'clock at noon of Jan'y 18th 1879, without day."

On motion of Mr. McCormick the above Resolution was made the Special Order for 10 o'clock tomorrow morning.

The following message was received from the Council viz:

"Council Chamber
Jan. 14th 1879,

Mr. Speaker,

I am directed by the Council to inform your honorable body, That the following resolution has passed the Council,

Resolved—by the Council, the House concurring, that a committee of three from each body be appointed on joint rules,

That in compliance with said resolution Mr. President appointed Messrs Hayes, Hyde and Sedman such Committee on the part of the Council.

Respectfully
Harry R. Comly,
Chief Clerk,"

Resolution concurred in and

On motion of Mr. Robinson, a committee consisting of Messrs Robinson, Sanders & Forbis, was appointed on joint Rules for the Government of the two Houses.

The following communications were received from the Governor.

The Territory of Montana
Executive Department
Helena M. T. Jan'y 13th 1879

To the Legislative Assembly,

Henry W. Hoover, Esq. of Helena is appointed Private Sec'y to the Governor, and I ask that he be respected accordingly.

Respectfully
B. F. Potts."

Also the

Fourth Biennial Message
of the
Governor of Montana,
To the Legislative Assembly of Montana Territory
Eleventh Session 1879

On motion of Mr. Sanders the Governor's message was made the Special Order for 11 o'clock A.M. tomorrow.

Mr. McCormick introduced the following: "Resolved by the House of Representatives that the Honorable Jas. H. Mills, Secretary of the Territory be respectfully requested to furnish to this House, at the earliest moment consistent with the public good, an official Statement, showing the amount of money expended during the tenth session of the Legislative Assembly for the necessary printing of the Session, and the amount of money now under his control, and available for printing purposes.

McCormick

The resolution was adopted and Clerk instructed to transmit a copy to the Secty.

On motion of Mr. Robinson the House adjourned to 10 o'clock A.M. tomorrow.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

THIRD DAY

House of Representatives
Jan'y 15th 1879

House met pursuant to adjournment, Mr. Speaker in the Chair.

Roll Call—Quorum present. Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Speaker announced the following standing Committees,

Committee on Ways and Means

Messrs. McCormick, Sweeney, Mood, Steell, Edwards

Committee on Judiciary

Messrs. Robinson, McCormick, Sanders, Forbis, Boardman

Committee on Territorial Affairs

Messrs. Sweeney, Marion, Barbour, Boyer, Fergus

Committee on Internal Improvements

Messrs. Sanders, Brooke, Hamilton, Combs, & Cornick

Committee on Roads and Highways

Messrs. Wilson, Noyes, Beach

Committee on Public Lands

Marion, Harrington, Stuart

Committee on Grazing and Stockgrowing

Brooke, Perkins, Thorpe, Boyer, Fergus

Committee on Federal Relations

Stuart, McElroy, Barbour, Edwards, Combs

Committee on Education and Labor

Thorpe, Hamilton and Boardman

Committee on Towns & Counties

Forbis, Beach, Mood, Steell, Wilson

Committee on Military Affairs

Messrs. Perkins, Sanders, Noyes

Committee on Incorporations

Messrs. Robinson, Barbour, Stuart

Committee on Agriculture & Manufactures

Messrs. Mood, Cornick, Edwards

Committee on Elections

Messrs. Beach, Harrington, Brooke, Combs, Steell

Committee on Indian Affairs

Messrs. Hamilton, Marion, Perkins, Boyer, Fergus

Committee on Mines & Minerals

Messrs. Barbour, McElroy, Cornick, Wilson, Boyer

Committee on Engrossment

Messrs. Harrington, Hamilton and Boardman

Committee on Enrollment

Messrs. Forbis, Marion, Thorpe

Committee on Printing

Messrs. Harrington, Perkins, Boyer

Committee on Rules

Messrs. Robinson, Sanders, Forbis, W. J. McCormick

The hour of 10 o'clock A.M. having arrived, Mr. Sanders moved to defer the consideration of H.C.R. No. 1—the Special Order for that hour—to 11 o'clock A.M.

Mr. Sweeney moved to amend by deferring to 2 o'clock P.M. of Sat, Jan'y 18th 1879. The Ayes & Noes being called, the amendment was lost by the following vote:

Ayes—Beach, Boyer, Edwards, Harrington, Marion, McElroy, Mood, Perkins, Sweeney, Thorpe, Wilson, Mr. Speaker - 12.

Noes—Barbour, Boardman, Brooke, Combs, Cornick, Fergus, Forbis, Hamilton, McCormick, Noyes, Robinson, Sanders, Steell, Stuart - 14.

The question recurring, on the motion by Mr. Sanders, to defer to 11 o'clock A.M. was lost by the following vote—Ayes - 13, Noes - 13.

Mr. Hamilton moved to lay the Resolution on the Table, which motion was lost by the following vote:—Ayes—Boyer, Forbis, Hamilton, Marion, McElroy, Mood, Perkins, Robinson, Stuart, Sweeney, Thorpe, Wilson, and Mr. Speaker - 13. Noes—Barbour, Beach, Boardman, Brooke, Combs, Cornick, Edwards, Fergus, Harrington, McCormick, Noyes, Sanders, Steell - 13.

On motion of Mr. McCormick the further consideration of the Resolution was deferred until 10:15 A.M. Jan. 16th 1879.

The following communication was received:

Office of the Secretary of M. T.
Helena, Montana, Jan'y 14, 1879

To the Speaker and Members of the)
House of Representatives of Montana)

Gentlemen, I have the honor to acknowledge receipt of your Resolution of this date asking an official statement showing the amount of money expended during the Tenth session of the Legislative Assembly for the necessary printing of the Session and the amount of money now under my control and available for printing purposes.

The amount audited and allowed by the Honorable First Comptroller of the United States Treasury for the printing of the Tenth Legislative Assembly of Montana was as follows—

For incidental Printing	\$1,026.02
For printing House Journals	1,243.09
For printing Council Journals	1,038.99
For printing Laws	3,183.33
Total Printing allowance for Tenth session	\$6,491.43

The following clause from the Act of Congress approved June 19th 1878, relating to "Government in the Territories" establishes the maximum amount that can be expended by me for the printing of the present session.

Viz—"And in no case shall the expenditure for public printing in any of the Territories exceed the sum of two thousand five hundred dollars for any one year".

I am very Respectfully
Your Obedient Servant
James H. Mills
Secretary

Also the following:

To the Speaker and Members of the House of Representatives, Montana Legislature, Eleventh Session

Having learned that the appropriation made by Congress for Printing and other incidental expenses is insufficient and that the Legislature is unable to proceed without some provision being made therefore we herewith submit our proposition to relieve the Territory from all responsibility in the matter by doing the Bill and other incidental printing not provided for by appropriation or law and to look to the Congress of the United States for pay therefor.

Very Respectfully Yr obdt Servt
Kerley, McQuaid and Lacroix
Pubs "Independent"

Helena Montana
January 15th 1879

By unanimous consent of the House Mr. Sanders introduced HJR No. 7 which was read 1st and 2nd time and on motion of Mr. Robinson was referred to the Judiciary Committee.

The consideration of the Governor's Message being the Special Order for 11 O'clock and that hour having arrived the House went into Committee of the Whole. Mr. McCormick in the Chair. Mr. Clerk proceeded to read the Message as follows.

MESSAGE

of the

GOVERNOR OF MONTANA

Fellow Citizens of the Council and House of Representatives:

Before entering fully upon the duties of legislation for the session, I invite your attention to the financial and general condition of the Territory.

Abstract of the assessment by Counties for 1877 and 1878 showing increase of assessment of 1878 over 1877.

Counties	1878	1877	Increase over 1877.
Beaverhead	\$ 977,990 00	\$ 843,182	\$ 134,808 00
Chouteau	596,722 00	545,850	50,872 00
Custer	329,321 02	236,485	92,796 02
Deer Lodge	2,508,958 00	1,946,044	562,914 00
Gallatin	1,386,340 00	1,190,060	196,280 00
Jefferson	755,663 15	664,901	90,762 15
Lewis&Clarke	2,916,275 00	2,787,540	128,735 00
Madison	1,790,662 00	1,631,010	159,652 00

Meagher	867,998 28	762,081	105,917 28
Missoula	647,189 00	586,771	60,418 00
Totals	\$12,777,028 45	\$11,198,874	\$1,583,154 45

Net Increase in assessment of 1878 over 1877 \$1,583,154.45

Number and value of stock assessed for 1878

Animals	Number	Value
Horses	37,743	\$1,289,656 00
Mules and asses	1,666	118,407 00
Sheep	107,261	292,690 50
Cattle, unclassified, all ages	214,551	2,421,761 00
Hogs	6,461	82,907 00
Total		\$4,155,421 50

REVENUE

Receipts of revenue by counties for 1877 and 1878

Revenue received	1877	1878	Increase	Decrease
Beaverhead	\$ 2,851 76	\$ 3,279 20	\$ 427 44	
Chouteau	2,097 62	2,768 83	671 21	
Custer	120 00	2,302 65	2,182 65	
Deer Lodge	12,090 03	15,340 10	3,250 07	
Gallatin	4,538 93	5,336 94	798 01	
Jefferson	2,780 21	2,745 40		34 81
Lewis & Clarke	15,399 49	16,042 37	642 88	
Madison	7,521 19	7,781 66	260 47	
Meagher	2,913 69	3,400 56	486 87	
Missoula	2,554 00	2,954 98	400 98	
Totals	\$52,866 92	\$61,952 69	\$9,120 59	34 81

Net increase for 1878	\$ 9,085 77
Receipts from all other sources for 1878	2,667 18
Receipts from all sources	64,619 87
Receipts from proceeds of warrants sold by Governor and Auditor for expenses of Penitentiary and Insane Asylum	20,364.35
	\$84,984 22

Liabilities of the Territory, December 31, 1878

To Warrants outstanding not advertised	\$13,905 47
Interest on same to Jan. 1, 79	244 00
Warrants called for payment	2,241 59
Interest on same	138 06
Ten per cent bonds outstanding not advertised	74,000 00
Ten per cent bonds called for redemption	11,500 00

Interest on bonds to January 1, 1879	4,275 00	
Estates of deceased persons unclaimed by heirs	<u>855 18</u>	
Total liabilities		\$107,259 30

Assets of the Territory

By balance in Warrant Fund	\$ 2,888 59	
do. Forty per cent do.	5,252 11	
do. Penitentiary fund	14 00	
do. Sinking fund	11,500 00	
do. Ter. School Fund	424 41	
do. due from ex-Treasurer W. G. Edwards of Missoula Co. \$822.32 less 10 per cent. District Attorney's fees for collection	<u>290 09</u>	
Total Assets	\$19,869 20	
Net registered indebtedness	87,390 10	\$107,259 30
Total registered debt, January 1, 1878		107,495 88
do do do 1, 1879		<u>87,390 10</u>
Decrease of debt for the year 1878		\$20,105 78

Total Indebtedness of the Several Counties of Montana Territory,
March 1, 1877, showing Increase or Decrease as compared
with the Year ending March 1, 1876.

Counties	Total In- debtedness, March 1, '77	Total In- debtedness, March 1, '76	Increase	Decrease
Beaverhead	\$ 20,113 38	\$ 4,267 88	\$15,845 50	
Chouteau	3,225 05	5,842 21		\$ 2,617 16
Custer				
Deer Lodge	47,174 97	51,619 07		4,444 10
Gallatin	42,154 99	51,407 38		9,252 39
Jefferson	53,740 12	55,293 41		1,553 29
Lewis & Clarke	137,179 73	136,747 54	432 19	
Madison	82,301 91	60,460 61	21,841 30	
Meagher	34,070 00	34,419 24		349 29
Missoula	<u>101,164 90</u>	<u>92,136 89</u>	<u>9,028 51</u>	
Totals	\$521,125 05	\$492,193 73	\$47,147 50	\$18,216 18

Net increase of indebtedness from March 1, 1876,
to March 1, 1877 \$28,931 32

Total Indebtedness of the Several Counties of Montana Territory,
March 1, 1878, Showing the Increase or Decrease as Compared
with the year Ending March 1, 1877.

Counties	Total in- debtedness March 1, '78	Total in- debtedness March 1, '77	Increase over 1877.	Decrease from 1877.
Beaverhead	\$ 23,861 30	\$ 20,153 38	\$3,747 92	
Chouteau	4,121 11	3,225 05	896 06	

Custer				
Deer Lodge	45,317 35	47,174 97		\$ 1,857 62
Gallatin	33,270 27	42,154 99		8,884 72
Jefferson	54,107 76	53,740 12	427 64	
Lewis & Clarke	116,075 29	137,179 73		21,104, 44
Madison	82,414 67	82,301 91	112 76	
Meagher	33,487 66	34,070 00		582 34
Missoula	101,862 00	101,364 90	497 10	
Totals	\$494,577 41	\$521,325 05	\$5,681 48	\$32,429 12

Net decrease of indebtedness from March 1, '77

to March 1, '78 \$26,747 64

Total indebtedness of the several counties March 1, 1878.. \$494,577 41

The law in relation to listing property for taxation should be amended, requiring County Assessors to call upon every citizen to list his property for taxation, and if he claims to have none, either on his own account or for others, subject to taxation, he should be required by the Assessor, under a severe penalty, to make oath to the truth of his statement, and the same should be returned by the Assessor with his property lists to the County Clerk. And if any person whose duty it is to list property or make a return thereof for taxation, shall make a false return or statement, or shall evade making a return or statement, the County Assessor should be required to ascertain as near as practicable the true amount of personal property, moneys on hand or on deposit in banks, in stocks, joint stock companies or otherwise, credits and investments that such person ought to have returned or listed, to which amount he should add fifty per centum and place the same on the tax lists, and the inquiry should go back as far as the same can be traced, not exceeding five years next prior to the year in which the inquiry is made. And if the County Clerk shall have reason to believe or be informed that any person has given to the Assessor a false statement of the property, moneys on hand or on deposit in banks, or credits, investments in bonds, stocks, joint stock companies or otherwise, or that the assessor has not returned the full amount required to be listed, or has omitted or made an erroneous return of any property, moneys on hand or on deposit in bank, or otherwise, which are by law subject to taxation, should be required to proceed at any time before final settlement with the County Treasurer to correct the return of the Assessor, and to charge such person on the duplicate with the proper amount of taxes to enable him to do which he should be authorized and empowered to issue a compulsory process and require the attendance of any person or persons whom he may suppose to have a knowledge of the articles or value of the property, moneys on hand or on deposit in banks, credits, investments in stocks, joint stock companies, or otherwise, and examine such person or persons on oath in relation to such statement or return. And the Clerk should, in all such cases, notify every such person before making the entry on the tax list and duplicate, that he may have an opportunity to show that his statement or return of the Assessor was correct; and the Clerk should be required to file in his office a statement of the facts or evidence upon which he made such correction. In all cases in which a person has made a false statement of the amount of property for taxation to evade the payment of taxes in whole or in part, the person making such false statement should be liable for and pay all costs and expenses that may be incurred, and if not paid should be collected before any court having jurisdiction by suit in the name of the

County Commissioners; but in case the statement is found correct and no intention to evade the payment of taxes, the costs and expenses incurred should be paid out of the county treasury, on the order of the County Commissioners. And in case a person refuse to appear and testify before the County Clerk, he should be authorized to apply to the Probate Judge of the county to issue a subpoena for the appearance of such person before him; and if the person so summoned should fail to appear, or appear and refuse to testify, he should be subject to the penalties for contempt, as witnesses in actions pending in the Probate Court.

The law in relation to County Assessors should be amended by which the Assessor, with the approval of the Board of County Commissioners, should be authorized to appoint a deputy to act for him in case of sickness, unavoidable absence, or other cause.

Your attention is earnestly invited to the condition of the laws for the assessment and collection of taxes. In view of the necessity of a high rate of taxation, it appears just and necessary to all classes that property of every kind and description, save public property, should be placed on the tax list, and the license for the sale of wine, liquors, tobacco and cigars should be increased. I think that at least one-half of the expenses incurred in the enforcement of the criminal laws and the punishment of criminals may be attributed to the sale of intoxicating liquors, and while that traffic is not prohibited, it should be compelled to contribute to the public revenue in proportion to the expenses it compels the public to incur.

Experience clearly suggests the wisdom of throwing more safeguards around the public moneys, and to effect this purpose I recommend such legislation as will compel County Treasurers to keep all moneys collected by them from all sources in a fire and burglar proof safe in their respective offices, and under no circumstances be permitted to deposit any of the public money in banks or with private individuals, or loan the same to any person or persons, company or corporation, or use the same for his own private benefit, or the private benefit of any other person or persons, company or corporation or invest, or use the same in any other way than to safely keep the same in the county treasury until paid out according to law. And should he refuse to keep the money in the county treasury or fail to pay out the money according to law, he should be deemed guilty of embezzlement and punished by imprisonment in the penitentiary; and the County Commissioners should be authorized upon ascertaining that the County Treasurer is guilty of embezzlement to suspend such Treasurer from the performance of the duties of his office, and appoint another to perform the duties of the same; and they should be compelled to arrest and prosecute the Treasurer charged with embezzlement, and should said Treasurer be acquitted of the crime by a court of competent jurisdiction, he should at once be restored to the possession of his office.

If officers are permitted to deposit the public funds in banks or with private individuals, with or without interest, it will be a temptation to them to use the same for private purposes. The bank failures in the Territory during the past year does not argue favorably to a continuance of the present system of depositing the public moneys in banks.

The County Commissioners should, at their annual March session, when the statement of the county indebtedness is made, be required to make out a full and detailed statement, showing the amount received into the Treasury during the preceding year, and from what source; and the amount paid out

during the same period, and for what purpose paid out; the amount of county warrants issued, and to whom and on what account. The statement should exhibit in detail the transactions of the Board of County Commissioners, and should be signed by the Board and the Treasurer of the County and be filed in the office of the Clerk of the District Court of the County, on or before the second Monday of March annually, and the court should be required at its next term to appoint some competent person to examine said statement and report at its next term whether the statement is in all respects correct and in accordance with law, and what items, if any, are illegal, exorbitant or unreasonable in amount; and the person so appointed should have authority to examine the books, papers, vouchers and accounts of the Treasurer's office, and the record of the proceedings of the County Commissioners; to swear and examine witnesses under oath, and to examine into and report upon all matters contained in the settlement exhibit of the County Commissioners and Treasurer. In case the exhibit of settlement shows any violation of law by any county officer, the court should be required to order the District Attorney to prosecute such officer according to law. A supervisory authority of this character will, I think, insure more vigilance and care on the part of county officers in the discharge of their official duties.

The reduction of fees and salaries of district and county officers should receive your early attention. More of the people's money has been squandered in exorbitant fees of county officers than would cancel the present indebtedness of every county. It is unreasonable to assert that it is necessary to continue the present scale of fees in order to secure competent officers. The compensation of the members of the Legislative Assembly is now but one-fourth what it was seven years ago, and who will insist that the present Legislature is not the equal, or the superior, of its predecessors. The act of the last session, consolidating offices in the small counties, should have been general including in its provisions all the counties, and the fees heretofore allowed reduced at least fifty per cent. Deer Lodge County paid three thousand two hundred dollars in currency—not in depreciated warrants—for assessing that county in 1878; and Lewis and Clarke County paid two thousand, eight hundred and ninety-five dollars and seventy-five cents to her Assessor the same year. It cannot be claimed that the duties required of these officers occupied more than five months out of the twelve of their time, and yet they each receive more compensation than the Judges or any other officer of the United States serving in Montana. I do not complain of the salaries paid by the general Government, but it is but justice to the tax-ridden people of the Territory to complain that county officers receive exorbitant compensation. The allowance of fifty cents per mile for the transportation of convicts from the place of conviction to the penitentiary is excessive, and should be reduced at least one half; and the amount paid Sheriffs per diem for board of persons confined in jails is largely in excess of charges for board at first class boarding houses. The amount paid by counties in the States for such board is fifty cents per day; and the compensation paid the United States for keeping our Territorial convicts is but one dollar per day, and yet the counties of Montana are required to pay from one and one-half to two and one-half dollars per day.

The fees of the Clerks of the District and Probate Courts, and in fact of every county officer, are excessively high and should be reduced. High fees have caused and will continue the present heavy burden of taxation that is weighing down our people, paralyzing their energies, and checking the growth of the vital business interests of the Territory. The law-making power of the

Territory is responsible for the indebtedness that now rests so heavily upon the people. It will require but little reflection to convince any one that had the Legislature of 1871 reduced fees and salaries and inaugurated such reforms as were necessary and apparent, the Territory and the several counties would not to-day require a levy of from two to three per cent upon the property of the people to pay interest on the debt that a want of proper and necessary legislation has created.

The bonded indebtedness of the Territory bears interest at the rate of ten per cent per annum, payable semi-annually. The amount has been reduced to seventy-four thousand dollars (\$74,000.) I have secured a written proposition from N. S. Vestel, Esq., of Helena, to take the entire indebtedness of the Territory at six per cent, free from Territorial or county taxation, or eight per cent without exemption from taxation. I recommend that the six per cent proposition be accepted, and that the bonds become due and payable in ten years, and payable at the option of the Territory after seven years. The present outstanding bonds are not taxed because they are not held in the Territory; therefore we will not gain anything by making the new bonds taxable. It is very gratifying to be able to present so favorable an exhibit of the credit and financial condition of the Territory, when it will be remembered that less than seven years ago the Territory was paying fifteen per cent per annum on her entire bonded indebtedness. Territorial warrants sold at par on the first day of November last, for the first time in the history of the Territory, and on the first day of the present month they sold at $1\frac{1}{8}$ per cent premium.

The taxes due the Territory, quarterly, from the several counties are not promptly paid by some of the County Treasurers, although the law provides that the money shall be transmitted forthwith to the Territorial Treasurer. A penalty should be provided for the neglect to transmit the money due the Territory forthwith, after the Board of County Commissioners ascertains the amount due. The dereliction of these officers forces the conclusion that the money is retained for private purposes, while the Territory is compelled to pay interest on its indebtedness, which the money due from the County Treasurers would cancel.

County Treasurers are now authorized by law to receive from tax payers one-fourth of their county tax in warrants issued by the county. It is claimed that County Treasurers may return in county warrants one-fourth of all county tax collected by them, and obtain credit for the same in their settlements with the County Commissioners, whether the same were paid by tax payers or not. Fairness to holders of county warrants appears to demand that the law be so amended as to require the Board of County Commissioners to reject all county warrants returned by the Treasurer unless the same were received for taxes and the name of the taxpayer and the amount of his taxes be endorsed on the warrant so returned, by the Treasurer.

The contract for keeping and maintaining the Territorial convicts in the United States Penitentiary at Deer Lodge will expire on the first day of August next. The contract cannot be renewed without additional legislation. The penitentiary is well managed and the convicts humanely treated. Your attention is invited to the want of accommodations for a larger number of convicts than are now confined. If the number of convicts increases in the same proportion the present year as they increased last year the present prison building will be entirely inadequate, and you should make provisions for them elsewhere. The number of convicts confined under the said contract

on the first day of the present month was thirty-four. The number of pardons granted since the adjournment of your predecessors and the reasons therefor, will be submitted to you at an early day of the session.

In compliance with the law in relation to the indigent insane, I advertised for bids for their care and maintenance, and the lowest bid received was eight dollars and fifty cents per week per capita. I rejected all bids and contracted in the name of the Territory, with Dr. A. H. Mitchell, of the Warm Springs Asylum, Deer Lodge county, at eight dollars per week per capita. I exacted a bond from the contractor in the sum of ten thousand dollars, for the faithful performance of the contract, and limited the contract to March 1, 1879. Forty-three (43) insane persons and one (1) idiotic person have been admitted to the asylum under the contract; nine (9) have been discharged, cured, four have been sent to friends in the States since February, A.D. 1877, and thirty-two were still confined in the asylum on the first day of January, 1879.

I have visited the asylum twice, and from personal inspection of the same I am satisfied that the institution is well managed and the inmates kindly treated. The rooms are commodious, the bedding clean and comfortable the clothing furnished each inmate warm and tidy. The law should be amended so as to authorize the selection of a reputable physician to visit the asylum and examine each inmate twice each year, and report to the Governor the condition of the inmates, the character of their treatment, and the names of such as should be discharged, and such recommendations as to the medical treatment of the inmates and their general management as he may deem proper.

I commend to your favorable consideration the report of the Superintendent of Public Instruction, which is herewith transmitted. It exhibits the rapid advancement made in the cause of education throughout the Territory during the last two years.

The lively interest manifested by all classes of citizens in our beneficent system of free schools, is well calculated to gratify every friend of popular education. The highest duty of a law maker in a free government is to provide for the education of every child in the commonwealth and to secure for the system of free schools the fostering care of the government. The true system of education is founded upon the principle that embraces with equal affection the children of the poor and the rich. All races and colors should be the recipients of the beneficence of the system. In a country where universal suffrage is the birthright of every citizen, it is necessary for him to possess learning sufficient to enable him to become acquainted with his own rights, and his rulers' duties, his duty to his Creator, his neighbor and himself.

Many of the best scholars and philosophers, and statesmen in the land, who have been applauded by civilized Christendom for their learning and genius, in both public and private life, were, when young, poor and destitute of property; yet, through their own exertions, aided by the system of free schools of the older States, were enabled to raise themselves from the lowest circumstances to the heights of fame and usefulness. Let the common school system of Montana be universal in its blessings, that no child may be denied its benefits. I cheerfully approve the recommendations of the Superintendent, and ask for them your favorable consideration.

Section two of the election law provides that no person convicted of treason, felony or bribery, unless restored to civil rights, shall be permitted to vote at any election in the Territory. As no officer appears to be clothed with the authority to restore persons convicted of felony to their civil rights, some legislation is demanded at your hands, conferring authority to restore persons to their civil rights who have forfeited the same by the commission of crime. A person convicted of a felony should not, in my opinion, be restored to civil rights except for meritorious character as a citizen before conviction, and good conduct during confinement in prison.

The Probate act of the last session provides that the money arising from the sale of the property of the estates of deceased persons, unclaimed by legal heirs for a certain period, shall be paid by the court settling the estate, to the Territorial Treasurer, to the credit of the general school fund. This provision is not in harmony with our laws, as no general school fund is provided for by the laws of the Territory, and the Territorial Treasurer has been compelled to retain in the Treasury, the money he has received from the estates of deceased persons for the want of authority to pay the same on the general indebtedness, or to transfer the same, pro rata, to the several counties for the benefit of the public schools. As legal heirs may be discovered and claim the moneys so paid into the Territorial Treasury, such moneys should be transferred to the general fund; for in case the moneys were claimed it could only be paid by a warrant on the general fund; the moneys therefore should be placed to the credit of that fund.

The expenses incurred in the trial of persons charged with felony, if conviction is had, should be paid out of the Territorial Treasury instead of by the county in which the felony was committed. The Territory at large is interested in the conviction and punishment of persons guilty of felony, no matter in what county of the Territory the crime is committed. This rule of law obtains in the States and should be enacted here.

The law does not appear to be clear that the District Attorneys are required to appear for the Territory in actions brought by or against Territorial officers. As these officers are paid an annual salary from the Territorial Treasury, they should be required as a part of their official duty, to appear and defend in all actions brought against Territorial officers in their official capacity; and prosecute all cases brought by the Territory, and their salary should be in full for percentage on all moneys collected for the Territory, by suit or otherwise.

I think the moral sentiment of the people of the Territory demands the enactment of a law requiring the observance of the Sabbath day, as a day of rest. No act of the Legislature will add more to our moral standing as a people than prohibiting common labor on the Sabbath day. This subject was so important as to draw from the lamented Lincoln, when President, in 1862, the following words addressed to the army and navy: "The President, Commander-in-Chief of army and navy, desires and enjoins the orderly observance of the Sabbath day by the officers and men in the military and naval service. The importance of the prescribed weekly rest, the sacred rights of Christian soldiers and sailors, a becoming deference to the best sentiment of a Christian people and a due regard for the Divine will, demand that Sunday labor in the army and navy be reduced to the measure of strict necessity. The discipline and character of the national forces should not suffer, nor the cause they defend be imperilled by the profanation of the day or name of the Most High." The first general order issued by the "father of his country,"

after the Declaration of Independence, indicates the spirit in which our institutions were founded, and should ever be defended: "The General hopes and trusts that every officer and man will endeavor to live and act as becomes Christian soldiers, defending the dearest rights and liberties of their country." I earnestly commend this subject to your favorable consideration, and trust you will not hesitate to place Montana on a moral level with the States and Territories that have long since enacted such a law.

From November 20, A.D., 1867, to 1872, the law required that jury fees should be taxed by the court against the unsuccessful party in each civil action tried by jury. This law was so just and necessary that its repeal in direct terms was never suggested, but it disappeared from the statutes when the "Codified Laws" took effect. This omission your predecessors have failed to supply, but the justice of re-enacting this law is so apparent that I confidently hope that you will not omit to restore the act omitted from the "Codified Laws." That the several counties should be required to pay the expense of juries in civil cases in which the people have no interest, is so manifestly unjust that I cannot understand why it was omitted from the "Codified Laws" or the reason your predecessors failed to restore the law when its omission was discovered.

The recent action of Congress reducing the representation in both branches of the Legislative Assembly will necessitate the reapportionment of the Territory for legislative purposes.

Since the adjournment of your predecessors, upon the application of the people of Custer county, I appointed a Board of County Commissioners for said county, and they at once organized the county by the appointment of the necessary officers to serve until the general election in 1878. The county government has been in successful operation since its organization and a full set of officers were elected by the people at the November election.

It is respectfully recommended that a law be enacted to regulate the running of stage coaches, and provide for the safety of stage passengers. The driver of a stage coach or stage wagon used for the conveyance of passengers, for hire or reward, should be prohibited from leaving the horses attached to such stage coach or wagon, while passengers remain in the same, without first making his horses fast with a sufficient halter, rope, or chain, or by placing the reins in the hands of some suitable person to prevent their running; and the owner of every stage coach for the conveyance of passengers in the night time, for hire or reward, should be compelled to have affixed to the same, in the usual manner, two good and sufficient lamps, and the driver should not be permitted to drive such stage coach at night time, when the road or track cannot be distinctly seen; without having lighted up said lamps and continuing them lighted during the night; and such other legislation as will add to the safety of passenger travel on coaches.

The law authorizing only certain designated officers to administer oaths to persons appointed or elected to office works great inconvenience and as it serves no good purpose it should be repealed, so as to authorize oaths of office to be administered by any officer authorized to administer oaths for general purposes.

The following views, presented in my third biennial message, are reproduced and your attention is respectfully invited to the same:

"The eleventh cause of challenge to a juror in criminal causes should be amended so that when the juror says he has formed or expressed an opinion as to the guilt or innocence of the accused, the Court should be required to examine him under oath as to the grounds of such opinion and if it has been founded upon reading newspaper statements, comments, or reports, or upon rumor or hearsay and not upon conversation with witnesses of the transaction, or reading reports of their testimony, or hearing them testify; and if the juror shall say on his oath that he feels able, notwithstanding such opinion, to render an impartial verdict upon the law and the evidence; and if the Court be satisfied that the juror is impartial and will render such a verdict, it may admit such juror as competent to serve in such case. It will greatly reduce the expenses of jury trials if you will reduce the number of peremptory challenges of jurors in both civil and criminal cases, and I believe no injustice will result to litigants.

The cattle interest of the Territory has become so important that it should receive such recognition from the Legislature as its importance demands. The cattle disease that has recently appeared in the Territory should be investigated by a competent commission so that a remedy may be discovered and the destruction of the herds, if possible prevented. It is suggested that those driving cattle from the Territory should be compelled to have their herds branded with a brand known among cattle men as a "road brand," that their cattle may be distinguished from the cattle on the range through which the outgoing herd may pass. Cattle stealing and branding cattle belonging to others have been carried on to such an extent as to appear to require additional and special legislation for the protection of cattle occupying the common range; and the question of affording cattle owners further protection for their property is respectfully commended to your careful consideration.

To enable the Secretary of the Territory to certify to the official character of County officers, the certificate of the County Board of Canvassers should be filed in the Secretary's office and each officer should be commissioned by the Governor and a record of the same made by the Secretary in his office.

The operation of the Attachment Law works great injustice to the debtor class, because of the summary manner in which it may be invoked. No attachment should be issued against the property of a citizen without an affidavit of the plaintiff being first filed, setting forth the existence of some one of the following grounds: that the claim of the plaintiff is just the amount he ought to recover; that the defendant is a non-resident of the County, or has absconded with the intent to defraud his creditors, or has left the county of his residence to avoid the service of a summons, or has so concealed himself that a summons cannot be served on him, or is about to remove his property out of the county with intent to defraud his creditors, or is about to convert his property into money for the purpose of placing it beyond the reach of his creditors, or has rights in action which he conceals, or has fraudulently contracted the debt or incurred the obligation for which suit is about to be brought.

The rate of toll for grinding grain should be regulated by law, and the responsibility of mill owners for the safe-keeping of all grain received for the purpose of being ground should be fixed by law.

I submit to you the question whether any additional legislation is necessary to protect the persons and property of citizens from tumults, riots, mobs,

or any body of men acting together to commit a felony, or to do or threaten violence, to break or threaten to break or resist the laws of the Territory, or where there is reasonable apprehension thereof.

I am assured that certain enterprising citizens of the Territory will make the experiment of boring artesian wells if the Territory or counties will afford some encouragement to the enterprise. I think, in view of the success of obtaining a large supply of water by means of artesian wells in California, that the subject is worthy of your favorable consideration.

The Indian situation in the Territory since the adjournment of your predecessors has been very unsatisfactory. The raids of the Nez Perces and Bannack Indians were very destructive of life and property, and has greatly discouraged immigration and investment of capital in the Territory. Nothing so much retards the settlement and growth of a country as continual trouble and depredations from Indians. Citizens are often driven from their homes in the midst of the busy season of harvest and the hard labor of a season lost, and they left, probably, penniless, to brave the cold and storms of our winters without food or shelter for themselves and families. The absence of any law of the Territory for the organization of the militia and the refusal of the War Department to sanction the employment of the same to assist the mere handful of United States troops against the hostile Nez Perces in 1877, left the Territorial authorities and the people helpless to protect those of our citizens who were so unfortunate as to be found in the section through which the hostiles passed. The pathetic appeal to the Executive from our citizens in exposed localities could only be answered by saying that the Territorial Government was powerless to render them any protection. No Government is entitled to the respect or support of the people that is incapable or unwilling to protect the lives and property of its citizens. In view of the experience of the past two years it appears to be the duty of the Legislature to place the people in a condition to defend themselves and property from Indian incursions. The most intelligent estimate made by the United States authorities, places the number of hostile Indians, with Sitting Bull's camp near the northern line of the Territory, at between fourteen and fifteen hundred lodges. Between this large and threatening force of hostile Indians, and our settlers in Choteau county, there is interposed one small company of United States soldiers. It is no longer wise for the people to look to the general government for sole protection from depredations by Indians. The people, capable of bearing arms, should be organized, drilled and disciplined, ready for any emergency that may arise. The Indians have in the last ten years destroyed enough property for the people to have paid the expenses of a well organized military force that would have punished the Indians and made the destruction of life and property improbable, if not impossible.

The present situation of this Territory appears to warrant the consolidation of the two Military Districts into a Department, and the public sentiment of the people points with entire unanimity to Brevet Major General Nelson A. Miles, Colonel of the 5th Infantry, as the proper officer to command the same. It may be unusual for the people of a Territory to ask the military authorities of the United States to assign a particular officer to command the troops serving temporarily in the Territory, but it is unusual for a Territory to be overrun by Indians every year for want of an able and energetic officer to command the troops serving therein. General Miles has shown himself to be an able and energetic officer, as his record of two years' service in the District of the Yellowstone clearly demonstrates. His assignment to command all the

military forces in this Territory would reassure every border settler, and would encourage settlements in every locality heretofore regarded as dangerous, and in case he should ask assistance, our people would respond to his call and serve as gallantly as any troops. I respectfully recommend that the Legislature memorialize the President, asking the organization of Montana into a Department, and the assignment of General Miles to command the same.

The British government continues to afford an asylum for all the hostile Indians that may seek protection in her territory. The safety of our people requires that they should be removed far into the interior of that country. Their present location near the line makes them a standing menace to the peace and prosperity of this Territory.

I again urge upon the Legislative Assembly, the propriety of making a liberal appropriation to enable the collection, printing and distribution of matter descriptive of the resources and climate of Montana. I suggest that this work be entrusted to a board of officers composed of the Territorial Auditor, Territorial Treasurer and Territorial Superintendent of Public Instruction.

I respectfully urge that you memorialize Congress to continue the annual appropriation for improving the navigation of the Missouri river, and that the Yellowstone river be included in the appropriation.

Former Legislatures have failed to fix the fees of Clerk of the Supreme Court. This duty you should not omit to discharge at the present session.

The change made in the statute of limitations by the last Legislative Assembly was unwise, and was not demanded by the best interests of the people. I recommend that the former law on that subject be restored.

The law in relation to proceedings before Justices of the Peace should be amended by simplifying the rules of proceedings, and providing for a stay of execution for a reasonable period on all judgments rendered in justices courts, by the judgment debtor giving security on the docket for the payment of the judgment when the stay expires.

The Utah and Northern railroad is rapidly approaching the Territory, and assurances are given out that it will reach our border during the present year. Simultaneously with the completion of this road into Montana, will come a large influx of population and wealth, which will give a new impetus to our present industries, and inaugurate new ones that will add to our prosperity and wealth.

It is claimed with great plausibility by the projectors and builders of this road, that it is but due to their enterprise in building the road two hundred miles over a country that is of but little value, to reach Montana, that the road constructed in Montana should be exempt from taxation for a number of years.

While I have always held that it was not advisable for the people of the Territory to grant a money subsidy to railroad corporations, yet I believe that it is not only reasonable, but just, that you should exempt the Utah and Northern railroad from taxation for such a period as may appear just to the people of the Territory and the road.

We are yet limited in our ability to pay money subsidies to encourage enterprises for the benefit of the Territory, but we are rich in our ability to exempt great enterprises from taxation. The subject will, I have no doubt, be

presented to you in practical form, and I trust you will give it a calm and impartial consideration, free from bias and prejudice, only keeping in view the rights of the people and the prosperity of the Territory.

In conclusion, accept the assurance of my hearty co-operation in the work of the session.

B. F. Potts
Executive Department)
Helena, January 13, 1879.)

Upon motion of Mr. Stuart further consideration of the message was deferred until 2 o'clock P.M. Thursday next.

On motion of Mr. Harrington the House took a recess until 2 o'clock P.M.

2 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Mr. Robinson—Chairman of the Committee on Judiciary reported as follows.

Mr. Speaker,

Your committee on the Judiciary to which was referred HJR No. 7 legalizing the organization of Custer County and the acts of the officers of said county appointed by the Governor beg leave to report the same back to the House with the recommendation that it do pass.

J. C. Robinson
Chairman

The report was received and upon a call of the Ayes and Noes the resolution was passed by the following vote.

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Cornick, Combs, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 26.

Noes—None.

Title agreed to.

Notices of the introduction of Bills were given as follows:

By Mr. Brooke

"An Act in relation to Notaries Public"

By Mr. Boyer

"Round up and Estray Law"

By Mr. Beach

"An Act to exempt Firemen from Jury Duty"

Mr. Robinson introduced the following Resolution:

Resolved—That the Judiciary Committee of this House be and are hereby authorized to employ a Clerk to perform such services as said Committee may designate and for such compensation as this House may fix to be paid out of the Territorial Treasury.

Resolution adopted.

Mr. Sanders introduced the following:

Resolved—That Paul McCormick a citizen of the County of Custer in attendance upon this Legislative Assembly in the interests of the citizens of that County be and he is hereby admitted to the privileges of the Floor of the House of Representatives.

Resolution was adopted and Clerk instructed to furnish a copy to Mr. McCormick.

The following communication was received.

Office of the Helena Herald
Helena Montana Jan. 15th 1879

To the Speaker of the House
Legislative Assembly Montana

Sir. The publishers of the Herald beg to say that they will undertake to execute such items of incidental printing as may be required and ordered by the House of Representatives of the Legislative Assembly of Montana now convened relieving the Territory of all liability therefor and looking alone to the Government of the United States for such compensation as it may award.

Respectfully
Your Obt Servants
Fisk Bros

Also the following from the Council.

Legislative Assembly of Montana
Council Chambers
Helena Montana Jany 15th 1879

Mr. Speaker,

I am directed by the Council to inform the House that the accompanying CCR No. 2 has passed the Council and the President has appointed Messrs. Ives, Hickman and Hays as the Committee on the part of the Council contemplated therein.

Respectfully
Harry R. Comly
Chief Clerk

C.C.R. No. 2—To accept upon behalf of the Legislative Assembly the proposition of Messrs. Kerly, McQuaid and Lacroix to do the necessary printing of this session was read first and second time and Mr. Sanders moved to amend by striking out the words in the resolution where they occur as follows to wit: "And to make such other arrangements as may be incidental thereto".

The amendment was adopted by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson - 23.

Noes—Harrington, Robinson, Mr. Speaker - 3.

On motion the resolution as amended was referred to the Committee on Printing.

The following message was received from the Council.

Council Chambers
January 15th 1879

Mr. Speaker,

I am instructed by the Council to inform your Honorable body that Sanders has given notice of the introduction of a bill for an act entitled "An Act to provide for the funding of the outstanding 12 per cent bonds of Jefferson County Montana Territory and for other purposes."

Respectfully
Harry R. Comly
Chief Clerk

Mr. Sanders moved the following H.C.R. No. 2.

Sec. 1. Resolved by the Legislative Assembly the Council concurring that it is the sense of the Legislative Assembly of the Territory of Montana, that the indebtedness of the Territory and of each County and other municipality therein should be paid according to the terms of the contracts therefor and that the Legislative Assembly should furnish any necessary Legislation to enforce such payment if it shall seem to be required.

Sec. 2. That in consideration of the exceptional condition of Missoula County resulting largely from criminal prosecution at a time when the county was overrun with a transient population in mining camps remote from its County Seat. The Committee on Ways and Means be requested to inquire if the public interest will not justify some assistance by the Territory to that county and if they will, to devise the method by which it can be most efficiently rendered.

Resolution was read and the question being upon its adoption. Mr. Forbis moved a division of the question when the first Resolution was passed by the following vote.

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 24.

Noes—Harrington, Robinson - 2.

The second part of the Resolution was then read for information and passed by the following vote.

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Hamilton, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Sanders, Steell, Stuart, Thorpe, Wilson, Mr. Speaker - 22.

Noes—Forbis, Harrington, Robinson, Sweeney - 4.

Title agreed to.

On motion of Mr. Beach a Committee consisting of Messrs. Beach, Mood and Boardman was appointed on mileage.

On motion of Mr. Steell the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

FOURTH DAY

House of Representatives
January 16th 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Absent—Messrs. Harrington, McCormick and McElroy.

Prayer by the Chaplain.

Journal of yesterday read and approved.

At the hour of 10¼ O'clock A.M. House proceeded to the consideration of the Special Orders and H.C.R. No. 1 being first in order. Mr. Robinson moved its adoption.

On motion of Mr. Stuart a call of the House was made. Absent—Mr. McElroy.

Mr. Sanders moved that further proceedings under the call be dispensed with, which motion was lost.

Sergeant-at-Arms reported absentee in his seat.

On motion of Mr. Sanders a further call of the House was dispensed with.

Upon the question of the adoption of H.C.R. No. 1. The Ayes and Noes were called for when the Resolution was lost by the following vote.

Ayes—Boardman, Fergus, McCormick, Noyes, Robinson, Sanders, Steell, Wilson - 8.

Noes—Barbour, Beach, Boyer, Brooke, Combs, Cornick, Edwards, Forbis, Hamilton, Harrington, Marion, McElroy, Mood, Perkins, Stuart, Sweeney, Thorpe, Mr. Speaker - 18.

Mr. Harrington from the Committee on Printing reported as follows:

Mr. Speaker,

Your Committee to whom was referred C.C.R. No. 2 with the amendment thereto have had the same under consideration and recommend that it do pass as amended.

Special Committee on Mileage made the following report.

Mr. Speaker,

Your Committee on Mileage beg leave to report that they find the persons here after named entitled to the following mileage.

Barbour	240 miles	Combs	230 miles
Beach	7 miles	Cornick	180 miles
Boardman	180 miles	Edwards	240 miles
Boyer	200 miles	Fergus	50 miles
Brooke	120 miles	Forbis	180 miles
Hamilton	440 miles	Robinson	90 miles
Harrington	75 miles	Sanders	— miles
Marion	400 miles	Steell	168 miles
McCormick	360 miles	Stuart	— miles

McElroy	234 miles	Sweeney	— miles
Mood	200 miles	Thorpe	90 miles
Noyes	180 miles	Wilson	118 miles
Perkins	220 miles	Word	250 miles

E. Beach
 William T. Boardman
 H.H. Mood
 Committee

Notices of the introduction of Bills were given as follows:

By Mr. Fergus

“A Bill in relation to fees of County Assessors”

Also—

“A Bill in relation to fees of County Treasurers”

Also—

“A Bill in relation to the fees of County Clerks”

By Mr. Brooke

“An act to require Butchers to record brands of slaughtered animals”

Also—

“A Bill offering a bounty for the killing of Bears, Mountain Lions and Wolves”

Also—

“A Bill in relation to estray Horses for the benefit of schools”

Also—

“A Bill to provide for a more strict observance of the Sabbath”

By Mr. Marion

“A Bill in relation to Swine”

By Mr. Harrington

“A Bill to repeal an Act entitled an Act in relation to diseased animals”

By Mr. Perkins

“An Act to enable the County of Gallatin to erect a Court House and Jail in Gallatin County”

Also—

“An Act to provide for the funded indebtedness of Gallatin County Montana Territory”

By Mr. Beach

“An Act relating to fees of District Attorneys”

The following bills were introduced by Mr. Brooke.

H.B. No. 1—An Act in relation to Notaries Public—Read first and second time and on motion of Mr. Robinson amended by striking out Sections 2 and 3 and referred to Committee on Judiciary.

Mr. McCormick introduced H.B. No. 2. “A Bill providing for funding the floating debt and rebonding the bonded debt of Missoula County.” Read first

and second time and on motion of Mr. Sanders amended by striking out Sec. 15 the Bill was then referred to Committee on Ways and Means.

Communication as follows was received from the Council.

Council Chamber
Helena M.T. Jan. 16 1879

Mr. Speaker,

I am directed by the Council to inform the House that C.C.R. No. 3, H.C.R. No. 2 and H.J.R. No. 1 have passed the Council and are herewith transmitted.

Respectfully,
Harry R. Comly
Chief Clerk

On motion of Mr. Sanders

C.C.R. No. 2 providing for Committee to accept proposition of Kerley, McQuaid and Lacroix in relation to printing was re-committed to Committee on Printing with instruction to report as a substitute therefor a H.J.R.

Mr. Robinson introduced

H.J.M. No. 1 asking further appropriation for the expenses of the Legislature. Read first and second time and referred to Committee on Federal Relations.

H.C.R. No. 2 in relation to indebtedness of Missoula County and H.J.R. No. 1 declaring valid acts of officials of Custer County having passed the Council were ordered Enrolled.

C.C.R. No. 3 authorizing employment of additional clerks was read and referred to Committee on Judiciary with instructions to report as a substitute therefor a H.J.R.

Mr. Sanders moved that the consideration of the Governor's Message being the special order for 2 o'clock P.M. be deferred to 3 o'clock P.M. January 16th 1879 which motion was carried.

On motion House took a recess to 2½ o'clock P.M.

2½ O'Clock P.M.

House resumed. Mr. Speaker in the Chair.

Roll called—Quorum present.

Absent—Brooke and McCormick.

Mr. Robinson Chairman of the Judiciary Committee reported as follows:

Mr. Speaker,

The Judiciary Committee to whom was referred C.C.R. No. 3 beg leave to report. That they recommend that said resolution do not pass. And said Committee hereby with this their report submit as a substitute for said resolution a Joint Resolution embracing the substance therein of said concurrent resolution.

Robinson
Chairman

H.J.R. No. 2 which was reported from the Judiciary Committee as a substitute for C.C.R. No. 3 was read and on motion recommitted.

On motion of Mr. Robinson the Rules were suspended and C.C.R. No. 3 was put upon its final passage and lost.

3 O'clock P.M. the special hour for the consideration of the Governor's Message having arrived the House went into Committee of the Whole. Mr. Stuart in the Chair.

The House resumed.

Mr. Speaker in the Chair.

A minority Report from the Committee on Printing was received as follows:

Mr. Speaker,

The undersigned having examined Council Concurrent Resolution No. 2 and the proposition of Messrs. Kerley, McQuaid and Co. recommend that the resolution do not pass for the following reasons.

The proposition exempts the Territory from liability for all incidental printing not provided for by law. The Printing Law (page 118 of 1876) provides for pay of such printing out of the Territorial Treasury and it is patent that the proposition of Messrs. Kerley, McQuaid & Co. if accepted as provided in this resolution will hold the Territory instead of the General Government for pay.

Boyer

Mr. Robinson from Committee on Judiciary reported back H.J.R. No. 2 with the following amendment.

"Amend by striking out the following words where they occur therein to wit: "Compensation as said Assembly may provide for them" and insert in lieu thereof the following words to wit: "Service they shall be entitled to receive the sum of Five Dollars per day each for the time actually employed in such service."

On motion the amendment was adopted.

Mr. Sanders moved to amend by striking out the word "three" where it occurs and insert in lieu thereof the word "two".

The amendment was carried and on motion of Mr. Sanders the Resolution with amendments was ordered Engrossed.

On motion of Mr. Beach the report of Committee on Mileage was returned for correction. Mr. Hamilton by consent of the House offered the following:

Resolved. That this House tender a vote of thanks to the Helena Library Association for courtesies extended in offering to them the free use of their Library during the session.

Hamilton

On motion the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

FIFTH DAY

House of Representatives
January 17, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Absent—Cornick-Marion.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Harrington from Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred H.J.R. No. 2 would beg leave to report the same back to the House correctly engrossed.

C. L. Harrington
Chairman

Mr. Robinson from Committee on Joint Rules reported as follows:

Mr. Speaker,

That portion of your Committee appointed by the "House" to confer with a Committee of the Council on Joint Rules beg leave to report.

That they have conferred with said Council Committee and that said "Joint Committee" recommend the adoption of the "Joint Rules" adopted at the 10th Session of the Montana Legislature.

Mr. Stuart from Committee on Federal Relations reported as follows.

Mr. Speaker,

Your Committee on Federal Relations beg leave to report that they have had under consideration House Joint Memorial No. 1 and recommend that it do pass.

Mr. Harrington reported as follows.

Mr. Speaker,

A majority of your Committee on Printing to whom was referred C.C.R. No. 2 with instructions to bring in a substitute embracing the same subject matter as amended but in the form of a H.J.R. Herewith submit enclosed House Joint Resolution embracing said subject matter and recommend that it do pass.

Mr. Beach Chairman of Committee on mileage reported as follows:

Mr. Speaker,

Your Committee to whom was referred the report on Mileage beg leave to report that they have corrected the same by striking out the words and figures "McElroy—114 miles" and inserting in lieu thereof McElroy—234 miles.

E. Beach
W. T. Boardman
H. H. Mood

Notices of Introduction of Bills were given as follows:

By Marion

"An Act concerning the Circulation of Canadian Money in the Territory of Montana."

By Mr. Hamilton

"An Act in relation to the sale of intoxicating Liquors."

By Mr. Fergus

"A Bill in relation to fees of Sheriffs."

The following Bills were introduced.

By Mr. Brooke—H.B. No. 6. "An Act requiring Butchers to record marks and Brands of all animals slaughtered by them" was read 1st and 2nd time and referred to the Committee on Grazing and Stock-Growing.

By Mr. Perkins—H.B. No. 5. "An Act to enable the County of Gallatin to erect Court House and Jail" was read 1st and 2nd time and referred to the Committee on "Ways and Means".

By Mr. Marion—H.B. No. 3. "An Act in relation to swine" was read 1st and 2nd time and referred to Committee on "Grazing and Stock-Growing".

By Mr. Perkins—H.B. No. 4. "An Act to provide for the redemption of the funded indebtedness of Gallatin County." Read 1st and 2nd time and referred to Committee on "Ways and Means".

By Mr. Brooke—H.B. No. 7. "An Act to tax Jury fees" was read first and second time and referred to Committee on Judiciary.

H.J.R. No. 3. Substitute for C.C.R. No. 3 was read 1st and 2nd time and Mr. Sanders offered the following amendment. Amend by striking out the word "proposition" where it occurs in the resolution and all that follows and insert in lieu thereof the following to wit: "propositions of Kerley, Lacroix and McQuaid for one half of the incidental printing for this Legislative Assembly, on the terms proposed and the proposition of Messrs. Fisk Bros for one half thereof on like terms but it is distinctly herein expressed that no liability is to be considered as being incurred by the Territory under contract or contracts made here under."

Mr. McCormick moved as amendment to the amendment, the following: "Strike out all of said amendment down to the word "but" in line fourteen.

Mr. Harrington presented the following communication.

To the Speaker and Members of the House of Representatives—Eleventh Session

Gentlemen,

Referring to the proposition made by us to the House of Representatives yesterday to do the printing of the Bills and all other incidental printing required by the House which has hitherto been done at the expense of the United States. We wish to reiterate our offer as previously made and to say emphatically that we will seek payment only from the United States and that we will not claim payment for same from the Territory of Montana in any event.

Helena M. T.
Jany 16th, 1879

Very Respectfully
Your Obdt Servts
Kerley, McQuaid & Lacroix
Pubs "Independent"

On motion of Mr. Steell House took recess to 2 O'clock P.M.

2 O'Clock P.M.

House resumed. Mr. Speaker in the Chair.

Roll called—Quorum present.

Mr. Speaker announced the order of business to be "The Consideration of the Amendment to the Amendment to H.J.R. No. 3."

Upon the question of its adoption Mr. Sweeney moved the previous question, which motion prevailed—and the Ayes and Noes being called upon the adoption of the amendment to the amendment it was carried by the following vote:

Ayes—Barbour, Beach, Brooke, Cornick, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 19.

Noes—Boardman, Boyer, Combs, Edwards, Fergus, Steell, Sanders - 7.

On motion of Mr. McCormick the amendment as amended was adopted.

Upon the question of the adoption of the Resolution as amended the Ayes and Noes were called for and the Resolution passed by the following vote.

Ayes—Barbour, Beach, Brooke, Cornick, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Stuart, Sweeney, Wilson, Mr. Speaker - 18.

Noes—Boardman, Boyer, Combs, Edwards, Fergus, Sanders, Steell, Thorpe - 8.

Title was agreed to.

The following messages were received from the Council.

Council Chamber
Jan 17th 1879

Mr. Speaker,

I am instructed by the Council to inform the House that:

C.C.R. No. 4 has passed the Council and is transmitted. That Sanders introduced C.B. No. 4 "An Act to provide for the funding the outstanding twelve per cent bonds of Jefferson County Montana Territory."

Respectfully,
Harry R. Comly
Chief Clerk

Council Chamber
Jan 17th 1879

Mr. Speaker,

I am directed by the Council to inform the House that the following notices were given.

By Barrett of a bill to consolidate some of the Offices of Beaverhead County. By Kennon—"An Act relating to the collection of special poor and special Road Tax".

That the following bills were introduced.

By Holter—C.B. 1 "An Act concerning limitations".

By Gillette—C.B. No. 2. "An Act to provide for licensing commercial travelers".

By Gillette—C.B. No. 3. "An Act to provide for compensation of Kerley, McQuaid & Lacroix."

Respectfully,
Harry R. Comly
Chief Clerk

Council Chamber
Jan 17th 1879

Mr. Speaker,

I am instructed by the Council to inform the House that notices of the introduction of bills have been given by Parberry as follows: "An Act to prevent the trespassing of animals upon private property".

Also—

An Act to consolidate the office of Superintendent of Public Instruction with that of Territorial Auditor.

Also a bill to amend section 11 of an Act to provide for biennial elections in the Territory of Montana.

Respectfully,
Harry R. Comly
Chief Clerk

House J.M. No. 1 asking further appropriation for expenses of Legislative Assembly was read 3rd time and passed by the following vote.

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 25.

Noes—None.

Title was agreed to.

H.J.R. No. 2—Providing for additional clerks for the Legislative Assembly was read 3rd time and passed by the following vote.

Ayes—Barbour, Cornick, Edwards, Forbis, Hamilton, Harrington, Marion, McElroy, Mood, Noyes, Perkins, Robinson, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 17.

Noes—Beach, Boardman, Boyer, Brooke, Combs, Fergus, Sanders, Steell - 8.

Title agreed to.

On motion of Mr. Sanders C.C.R. No. 2 was indefinitely postponed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 26.

Noes—None.

On leave of the House, Mr. Stuart Chairman of Committee of the Whole on the Governor's Message made the following report.

Mr. Speaker,

The Committee of the Whole having had under consideration the Governor's Message beg leave to report upon the same as follows—

Those portions of the Message in reference to—

The tables of Statistics

The duties of Assessors

The condition of laws for Assessment & Collection of taxes

Safeguard for the Public Moneys

Deposits of Public Moneys with banks or individuals

Statement of County Commissioners

The bonded indebtedness of the Territory

Remitting territorial taxes by County Treasurers

Returns of County Warrants by County Treasurers

Were referred *to the Committee of Ways and Means.*

Those portions of the Message in reference to—

The fees of District and County Officers

The provisions of the Election Law

The Probate Act

Expenses of Trials

Duties of District Attorneys

Fees of Jurors in Civil Cases

Running of Stage Coaches

Administering of Oaths

Challenges to Jurors

Certificates of County Boards of Canvassers

Operation of Attachment Law

Regarding tumults, riots, etc.

Fees of Clerk of Supreme Court

Statutes of Limitations

Proceedings before Justices of the Peace

Were referred *to the Committee on the Judiciary.*

Those portions of the Message in reference to—

The contract for keeping and maintaining Territorial Convicts

The Indigent Insane

The re-apportionment of the Territory

Organization of Custer County

Were referred *to the Committee on Territorial Affairs.*

Those portions of the Message in reference to—

Report of Supt of Public Instruction

Observance of the Sabbath

Collection of statistics & matter descriptive of the resources of Montana

Were referred *to the Committee on Education & Labor.*

That portion of the Message in reference to—

The Cattle interest of the Territory

Was referred *to the Committee on Grazing and Stock-Growing.*

That portion of the Message in reference to—

Rates of Toll for Grinding

Was referred *to the Committee on Agriculture & Manufactures.*

Those portions of the Message in reference to—

Artesian Wells

Improvement of the Missouri and Yellowstone Rivers

And the Utah and Northern Railroad

Were referred *to the Committee on Internal Improvements.*

That portion of the Message in reference to—

The Indian situation in the Territory

Was referred *to the Committee on Indian Affairs.*

Those portions of the Message in reference to—

The Military District of Montana

And the British Government

Were referred *to the Committee on Military Affairs.*

All of which is respectfully submitted.

Stuart
Chairman

Report was adopted.

On Motion of Mr. Robinson House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

SIXTH DAY

House of Representatives
January 18th 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Absent—Mr. Noyes.

Prayer by the Chaplain.

Journal of Yesterday read and approved.

The Committee on Enrollment reported as follows.

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report H.J.R. No. 1—legalizing the organization of Custer County and H.C.R. No. 2 relating to the indebtedness of Missoula County etc. correctly enrolled.

Forbis

Notices of the Introduction of Bills were given as follows:

By Mr. Sanders

A bill for "An Act to encourage Steamboat Navigation on the upper Missouri River."

By Mr. Sweeney

"An Act for the better protection of Game."

By Mr. Hamilton

A Bill in relation to the branding of live stock.

The following Report was received.

Mr. Speaker,

Your Committee on Grazing and Stock-growing to whom was referred H.B. No. 3 "An Act in relation to Swine" have had the same under consideration and hereby report it back with a Substitute with the recommendation that the Substitute be adopted.

Respectfully
Brooke
Chairman

Mr. Brooke introduced H.B. No. 9—"An Act in relation to Estray Horses for the benefit of Public Schools." Read 1st and 2nd time and referred to Committee on Judiciary.

Mr. Marion introduced H.B. No. 8—"An Act in relation to Canadian Money" which read 1st and 2nd time and referred to Judiciary Committee.

C.C.R. No. 4—Authorizing Committee of each House on "Grazing and Stock-growing" to act as Joint Committee was on motion of Mr. Brooke adopted.

On motion of Mr. Sanders, the Bill reported from Committee on Grazing and Stock-growing as Substitute for H.B. No. 3—"An Act in relation to Swine" was laid upon the Table.

On Motion of Mr. Sanders, House adjourned to 10 O'clock A.M. January 20th 1879.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

EIGHTH DAY

House of Representatives
January 20th 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Sixth day read and approved.

Mr. McCormick, Chairman of Ways and Means Committee reported as follows:

Mr. Speaker,

Your Committee on Ways and Means to which was referred certain portions of the Governor's Message beg leave to make the following report: That the imperfect manner in which the Law regulating the assessment of property has been enforced in the different counties of the Territory demands some very radical changes in the Revenue Law, to the end that every species of property shall contribute an equal share to the support and maintenance of Territorial and Municipal Government and your Committee will be able to present to the House at a very early day, a Bill that shall correct the defects of the law and the manner of its enforcement under which Thousands of Dollars of property have escaped taxation.

Second. That portion of the Governor's Message relating to the safe keeping of the Public Moneys meets with the hearty concurrence of your Committee and that this Legislature ought not to adjourn without providing such Legislation as will give to the people absolute immunity from losses that may be sustained by carelessness or dishonesty upon the part of those intrusted with the safe keeping of the Territorial and County funds. In reference to the Territorial Indebtedness and the proposition to rebond the debt at a lower rate of interest than it now bears, your Committee are advised that there is now pending in the Council a Bill for an Act in conformity with the suggestions of his Excellency on that subject.

McCormick
Chairman of
Com't on Ways and Means

Notice of the introduction of Bills was given as follows:

By Mr. Mood

"A bill regulating toll of Grist Mills."

By Mr. Sanders

"A bill for an act enlarging Homestead Exemptions."

Mr. Forbis, Chairman of Committee on Enrollment reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that H.J.R. No. 1 in relation to the County Government of Custer Co. was presented to the Governor at 11:35 A.M. Jan'y 18th 1879.

Notices were received as follows.

By Mr. Marion.

A Joint Memorial in relation to the improvement and repair of the Mullen Road.

By Mr. Robinson:

A bill for an Act in relation to fees and compensation of Officers:

On motion of Mr. Fergus the following Resolution was adopted—Resolved: The use of the Hall of the House of Representatives is hereby granted on Thursday evening of each week during the present session of this Legislature when not required by the House to such Members of each body as shall desire to form a Legislative Farmers, Stock-raisers and Miners Club.

Communications as follows were received from the Council.

Council Chamber
Jan 18th 1879

Mr. Speaker,

I am instructed by the Council to inform the House that the following notice was given. By Sanders—"An Act to authorize the Governor to contract for the keeping and maintenance of the Territorial Convicts in the U.S. Penitentiary at Deer Lodge." That the following bills were introduced—By Hickman C.B. No. 6 "An Act amendatory of section 286, of the Criminal Practice Act"—By Parberry C.B. No. 7—"An Act to prevent the trespassing of animals upon private property." That H.J.R. No. 2 relative to employing clerks, and H.J.R. No. 3, relative to printing have passed the Council and are herewith transmitted.

Respectfully
Harry R. Comly
Chief Clerk

Council Chamber
January 17th 1879

Mr. Speaker,

I am instructed by the Council to inform the House that Hyde introduced C.B. No. 5, "An Act to incorporate the town of Butte."

Respectfully
Harry R. Comly
Chief Clerk

H.J.R. No. 3 and H.J.R. No. 2 returned from the Council with notice of passage were ordered Enrolled.

Mr. Sweeney introduced H.B. No. 10, "An Act to protect Game" which was read 1st and 2nd time and Mr. Brooke offered the following amendment—Strike out the words "for sale" wherever they occur in sec. 2 of the Bill. On motion the Bill and Amendment was referred to the Committee on Grazing and Stock-growing.

The following Messages were received from the Governor:

Territory of Montana
Executive Department
Helena January 29th 1879

To the Legislative Assembly,

I submit for your consideration the proposition of N.S. Vestal, Esq. to purchase whatever amount of Territorial bonds that may be authorized to be issued to cancel the present ten per cent bonds of the Territory.

Respectfully
B. F. Potts

Territory of Montana
Executive Department
Helena January 20th 1879

To the Legislative Assembly,

I have the honor to submit for the information of the Legislative Assembly, the Report of the Historical Society of Montana for the years 1877-8.

Only one copy of the Report having been furnished this Department, the same is sent to the Council.

Respectfully
B. F. Potts

Also the following.

Helena Montana
Dec 27th 1878

Dear Sir:

Understanding it to be your desire that the bonded debt of this Territory be refunded at a rate of interest lower than 10% I hereby have the honor to submit the two following propositions having this end in view. 1st. I will agree to accept bonds of the Territory of Montana at par drawing interest at the rate of six (6) % per annum payable semi annually in New York. And principal due in ten years, but redeemable at the option of the Territory after seven years. These bonds must be exempt from all taxation whether territorial, county or local, and so expressed in the bonds. 2nd. Should the foregoing proposition not be acceptable, I will take a bond with the same conditions as to maturity of principal and payment of interest, substituting 8% in place of 6% as the rate and also waiving all reference as to taxation.

I have arranged with Messrs. L. H. Hershfield and Bro Bankers to pay for the bonds as soon as presented to them in such funds and at such place as the Treasurer of the Territory may designate.

Very Respectfully
(Signed) N. S. Vestal

To his Excellency
Gov. B. F. Potts

A true copy
(Sig) B. F. Potts, Governor

Mr. Beach introduced H.B. No. 11. "An Act to amend Sec 9 of Chapter 37, of an Act of the Legislative Assembly of Montana entitled An Act revising, reenacting and codifying the general and permanent laws of Montana Territory approved Jan 10th 1872." Mr. McCormick moved to amend by excepting all persons from the operation of the Bill who have served as Members of the Legislative Assembly of Montana which amendment was lost and the Bill was referred to the Committee on Judiciary.

On motion of Mr. Robinson the communication from the Governor in regard to the proposition of N. S. Vestal with papers pertaining thereto was referred with instructions to the Committee on Ways and Means.

On motion of Mr. Forbis, the House took a recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

The following message was received.

Council Chamber
Jany 20th 1879

Mr. Speaker,

I am instructed by the Council to inform the House that Bills were introduced as follows: By Barret, C.B. No. 8 "An Act to amend Sec. 7 of an act entitled an act to consolidate the County officers of Meagher, Chouteau, Jefferson, Missoula Counties." By Parberry, C.B. No. 9, "An Act to amend Sec. 11 of an act entitled an act to provide for biennial elections in the Territory of Montana." That the following have passed the Council and are herewith transmitted, H.J.M. No. 1 asking Congress to make further appropriations, C.B. No. 1, "An Act concerning limitations."

Respectfully
Harry R. Comly
Chief Clerk.

The Committee on Enrollment reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment have examined H.J.R. No. 2 in relation to the employment of Clerks by the Judiciary and Ways and Means Committees of the two Houses and H.J.R. No. 3, in relation to the appointment of a Committee on Printing and find the same correctly enrolled.

Forbis

Mr. Speaker announced that he was about to sign H.J.R. No. 3, in reference to contract for Printing. Also that he was about to sign H.J.R. No. 2, in relation to employment of additional clerks.

H.J.M. No. 1—asking additional appropriation for expenses of the Legislature returned from Council with notice of its passage, was ordered enrolled.

C.B. No. 1—"An Act concerning limitations" was read 1st and 2nd time and referred to Judiciary Committee.

By leave of the House Mr. Brooke introduced H.B. No. 12—"An Act to encourage the killing of wild animals" which was read 1st and 2nd time and under the rules was referred to Committee on Printing.

The Committee on Judiciary reported as follows.

Mr. Speaker: The Committee on the Judiciary to which was referred H.B. No. 8, "An Act in relation to Canadian Money"—has had the said Bill under consideration.

The undersigned are advised that the opinion prevails in different portions of the Territory that Sec. 181 of the Act entitled, An Act concerning crimes and punishments approved Jan 12 1872 operates to forbid the passage as money of currency heretofore put in circulation by Banks under authority of the Dominion of Canada. We are of the opinion that the phrase in said section "put in circulation" has a specific and limited meaning, and that it pertains only to the issuance on the credit of the corporation, firm, association or individual or promises to pay "to circulate as money" and that it is in no way inimical to the objection which has been urged against it and that the citizens and other persons in this Territory are now free to accept, keep or pass any moneys which have been put in circulation heretofore by the Bank of the Dominion of Canada or the Bank of Montreal or other Banks in any of the Provinces of that Dominion and that this right does not depend upon the number of hands through which said currency has passed since it was put in circulation by the Bank which issued it. This interpretation in view of your Committee is clear, notwithstanding which, your Committee is satisfied that the passage of this Bill will place the question beyond possible doubt in this regard and permit the section to stand until others taking counsel of their fears, shall cavil at some of its provisions when future Legislative Assemblies can by amendment allay them and while the Committee will not ordinarily be guided by such considerations, it is willing that this bill shall pass where amended by inserting after the word "heretofore" where it occurs in the bill the words "or that shall hereafter be" all of which is respectfully submitted.

J.C. Robinson
Chairman

H.B. No. 1—"An Act in regard to Notaries Public" was reported from Judiciary Committee with amendments and on motion recommitted.

H.B. No. 8—was reported from the Committee on Judiciary with amendment. On motion the amendment was adopted and the Bill as amended ordered engrossed.

Mr. Hamilton moved that the House do now adjourn which motion was lost.

Mr. Robinson moved to suspend the Rules and receive report from the Judiciary Committee—Mr. Sanders moved that the motion to "suspend rules" lie upon the Table which motion was lost—and the question recurring on the original motion to suspend the rules the motion was lost.

The Committee on Enrollment reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that H.J.R. No. 2 and H.J.R. No. 3 have been presented to the Governor at 2:40 P.M. Jan'y 20th 1879.

Forbis

On motion the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

NINTH DAY

House of Representatives
January 21st, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The Committee on Education and Labor reported as follows:

Mr. Speaker,

Your Committee to whom was referred that portion of his Excellency the Governor's Message relative to the more strict observance of the First Day of the week commonly called Sunday would beg leave to report. That they have had the same under consideration and would respectfully recommend the passage of a bill touching that subject which your Committee is advised is already prepared and will be presented in due time.

J.T. Thorpe
Chairman

Mr. Forbis from Joint Committee on Enrollment reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment have examined H.J.M. No. 1 in relation to further appropriations and beg leave to report the same correctly enrolled.

Forbis

The Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred H.B. No. 8, have examined the same and find the same correctly engrossed.

Harrington

Notice of the introduction of Bills was given as follows:

By Mr. Brooke,

"A Bill to tax dogs for the benefit of Public Schools."

Also,

"A Bill to amend the Revenue Law."

By Mr. Forbis,

"An Act to enable School District No. 3, Deer Lodge County Montana Territory to erect and furnish a School House."

By Mr. Boardman,

"A Bill in relation to the protection of fur bearing animals and fish in the Territory of Montana."

By Mr. Sanders,

"A Bill for an Act concerning the County of Custer—Also—A Bill for an Act providing for the payment of certain expenses. Also—A Bill for an Act authorizing the change of venue by District Courts in certain cases."

By Mr. Robinson,

"A Bill for an Act in relation to the payment of costs in criminal prosecutions making the same a Territorial instead of a County charge."

Mr. Harrington introduced H.B. No. 13—"An Act to repeal an Act in relation to diseased animals"—which was read 1st and 2nd time and referred to Committee on Grazing and Stock-growing.

Mr. Brooke introduced H.B. No. 14 entitled "Sunday Law" which was read last and 2nd time, the enacting clause ordered amended and bill referred to committee on Education and Labor.

Mr. Marion introduced H.J.M. No. 2, in relation to the improvement of the Mullen Road—which was read 1st and 2nd time the rules suspended read 3rd time by title and passed by the following vote: Those voting Aye were Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 26.

Noes none. Title was amended to read H.J.M. No. 2 in lieu of J.J. No. 2.

Mr. Stuart introduced H.J.M. No. 3—in regard to "change in system of surveys of Public Lands"—which was read 1st and 2nd time and on motion of Mr. McCormick the rules were suspended. The memorial read a 3rd time by title and passed by the following vote.

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 26.

Noes—None.

Title agreed to.

The following message was received from the Council.

Council Chamber
Jany 20th 1879

Mr. Speaker,

I am instructed by the Council to inform the House that Kennon gave notice of the introduction of a bill for An Act authorizing the Board of County Commissioners of Deer Lodge County to construct a County Jail.

Respectfully
Harry R. Comly
Chief Clerk

Mr. Speaker announced that he was about to sign H.J.M. No. 1 in relation to additional appropriation for expenses of Legislative Assembly.

H.B. No. 8—In relation to Canadian money was read 3rd time and passed by the following vote.

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 26.

Noes—None.

Title agreed to.

On motion the House took a recess to 2 O'clock P.M.

2 O'Clock P.M.

House Resumed. Mr. Speaker in the Chair.

Roll called—Quorum present.

The following communication was received.

Council Chamber
Jany 21st 1879

Mr. Speaker,

I am directed by the Council to inform the House that Hays gave notice of a bill entitled "An Act concerning Notaries Public"—That the Committee of Ways and Means reported C.B. No. 10—"An Act to provide for the funding of the outstanding indebtedness of the Territory of Montana and the redemption of the ten per cent bonds."

Respectfully
Harry R. Comly
Chief Clerk

By consent of the House, Mr. Robinson introduced H.B. No. 15—"An Act to reapportion the Members of the Legislative Assembly of Montana Territory", which was read 1st and 2nd time and under the rules referred to Committee on Printing.

By consent of the House, Mr. Brooke presented a petition asking revision and reprint of record of "Brands and Marks". Petition was read and on motion referred to Committee on "Grazing and Stock-growing".

Mr. McCormick from the Committee on Ways and Means made the following report on H.B. No. 4.

Mr. Speaker,

Your Committee on Ways and Means to which was referred H.B. No. 4, a bill for an act to provide for the redemption of the funded indebtedness of Gallatin County have had the same under consideration and beg leave to report the same back to the House with the following amendments, to wit: Amend Sec. 2 by striking out the word "ten" in line three of the printed bill and insert in lieu thereof the word "eight". Also amend said Section 2 by inserting after the word "sealed" in line five of the printed bill the words "with county seal of said county". Amend Section 4 by striking out all of said Section after the word "weeks" in line four (4) and insert in lieu thereof the following to wit: "Prior to the time of such sale and in like manner by giving notice in one or more daily newspapers published in the City of New York, State of New York, for a period not less than four weeks, said notice to be given in said Daily Newspaper or papers sixty days prior to the time of such sale".

With these amendments your Committee recommend that it do pass.

Report was adopted and the Bill with Amendments referred to the Committee on Engrossment.

On motion the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

TENTH DAY

House of Representatives
January 22nd, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the Council.

Council Chamber
Jany 21st 1879

Mr. Speaker,

I am instructed by the Council to inform the House that Ives gave notice of the introduction of a bill for "An Act to enlarge homesteads". Then Hays introduced C.B. No. 11—"An Act concerning Notaries Public".

Respectfully
Harry R. Comly
Chief Clerk

The following communication was received from the Governor.

Territory of Montana
Executive Department
Helena January 21st 1879

To the House of Representatives,

I have the honor to inform the House of Representatives that I have this day approved House Joint Resolution No. 3 without title.

Also the following.

Respectfully
B.F. Potts

Territory of Montana
Executive Department
Helena January 21st 1879

To the Legislative Assembly,

I have the honor to submit for the consideration of the Legislative Assembly a memorial of the Constitutional Convention of California asking the Governors of Oregon and Nevada and Washington, Idaho, Montana and Arizona Territories to memorialize the President of the United States and the Senate of the United States for a modification of the Burlingame Treaty existing between the United States and the Chinese Empire.

This subject appears to me to require the action of the representatives of the people rather than the Executive and as the Legislature is now in session, the whole subject is submitted for the consideration and action of the same. Only one copy of the memorial having been furnished this Department, the same is sent to the House of Representatives.

Respectfully
B.F. Potts

The Committee on Indian Affairs made the following report.

Mr. Speaker,

Your Committee on Indian Affairs to whom was referred that part of his Excellency's the Governor's Message relating to the protection of our people against the depredations of Indians beg leave to report that we have considered the same and now have under advisement a measure to provide relief in the premises. But your Committee now deem it proper in this preliminary report to present and recommend the passage of the Joint Memorial herewith respectfully submitted.

Hamilton
Chairman

The Judiciary Committee reported as follows:

Mr. Speaker,

The Judiciary Committee to which was re-committed H.B. No. 1 beg leave to report that they have considered said bill and recommend that the same be amended as follows: Strike out the word "legalized" in Section 1 thereof and insert in lieu thereof the words "declared valid to all intents and purposes". And that Sections "two" and "three" of said bill be stricken out. And with said amendments the Committee recommend that the same do pass.

Robinson
Chairman

The Committee on Ways and Means reported as follows:

Mr. Speaker,

Your Committee on Ways and Means to which was referred House Bill No. 5 have had the same under consideration and beg leave to report it back to the House with the following amendments, to wit: Strike out the word "ten" in line two (2), Section two (2) and insert in lieu thereof the word "eight" in the printed copy of the bill. Amend Section four (4) by striking out all of said section after the word "weeks" in line six (6) of printed bill and insert in lieu thereof the following, to wit: "Prior to the time of such sale and in like manner by giving notice in one or more daily newspapers published in the City of New York, State of New York for a period of not less than four weeks, said notice to be given in said daily newspaper or newspapers sixty days prior to the time of such sale". With these amendments your Committee recommend that the bill do pass. All of which is respectfully submitted.

McCormick
Chairman

The Committee on Printing reported as follows:

Mr. Speaker,

Your Committee to whom was referred H.B. No. 12 have examined the same and find it correctly printed with the exception of the enacting clause which in the Bill reads, "Be it enacted by the Legislative Assembly of Montana." In the printed copy the enacting clause reads, "Be it enacted by the Legislative Assembly of the Territory of Montana." And as this form is in conformity with law, we herewith submit our report.

Signed - Harrington
Chm Printing Committee

The Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment to which was referred H.B. No. 4, with amendments, have examined said Bill and hereby report the same correctly engrossed.

The Committee on Printing reported as follows:

Mr. Speaker,

The Committee on Printing to whom was referred H.B. No. 4 beg leave to report the same back to the House correctly printed.

Notices of the introduction of Bills were given as follows:

By Mr. Barbour,

A Bill for an Act to amend an Act entitled "An Act providing for the collection of the Revenue approved Jan 12th 1872".

By Mr. Fergus,

"A Bill to amend Section eighteen of an Act concerning printing."

By Mr. Forbis,

"A Bill for an Act to provide for and enable the several courts to hold terms at the town of Butte, Deer Lodge County, M.T. and to provide for the several County Officers establishing branch offices at said town of Butte and for other purposes."

Mr. Sanders introduced the following Resolution.

Resolved by the Legislative Assembly of the Territory of Montana (the Council concurring) that the County Clerk of the County of Missoula be and he is hereby requested to furnish the Speaker of the House and the President of the Council without delay:

1st. The amount of County bonds of said County outstanding and overdue with the rate of interest which said bonds bear and the amount of interest due there on.

2nd. The amount of County bonds of said County outstanding and not yet due and when they will become due with the amount, if any, of interest overdue and the rate of interest which they bear and the amount of interest which there is now due thereon.

3rd. Under what laws the said bonds were issued.

4th. The amount of outstanding warrants which bear interest and the rate of said interest and the total amount of interest due thereon.

5th. The amount of outstanding warrants which do not bear interest.

6th. The amount of moneys received into the County Treasury for County purposes from all sources during the year 1878.

7th. The amount of moneys in the County Treasury to the credit of the various funds of the County.

8th. The amount disbursed during the year 1878 for the prosecution and punishment of criminals.

Mr. Sanders introduced H.B. No. 16—"An Act concerning the County of Custer" which was read 1st time when Mr. Robinson moved to reject the Bill which motion was lost. The Bill was then read a 2nd time and referred to the Committee on Judiciary.

Mr. Beach introduced H.B. No. 17—"An Act to establish fee of District Attorneys" which was read 1st and 2nd time and referred to Judiciary Committee.

Mr. Hamilton introduced H.J.M. No. 4 in relation to confining Indians to their Reservations which was read 1st and 2nd time and referred to the Committee on Federal Relations.

On motion of Mr. Sweeney the communication of the Governor with inclosure relative to the "Burlingame Treaty" was referred to the Committee on Federal Relations.

H.B. No. 4—"An Act to provide for the redemption of the funded indebtedness of Gallatin County" being before the House for a 3rd reading. Mr. Sanders moved to amend by striking out the word "daily" where it occurs in the bill and inserting in lieu thereof the word "weekly" the amendment was carried and the Clerk instructed to so amend the Bill in the presence of the House. Whereupon the Clerk under the observation and in the presence of the House proceeded to make the amendment of the Bill as authorized. The Bill was then read a 3rd time and passed by the following vote: Those voting Aye were Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 26. Noes none.

Title was agreed to.

H.B. No. 12, "An Act to encourage the killing of wild animals" being before the House for its 3rd reading.

Mr. Sanders moved to indefinitely postpone the same.

On motion the House took a recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed. Mr. Speaker in the Chair.

Roll called—Quorum present.

Mr. Speaker announced the order of business to be the consideration of motion to indefinitely postpone H.B. No. 12. And the Ayes and Noes being called for the motion was lost by the following vote.

Ayes—Boardman, Combs, Cornick, Edwards, Forbis, McElroy, Noyes, Sanders, Steell - 9.

Noes—Barbour, Beach, Boyer, Brooke, Fergus, Hamilton, Harrington, Marion, McCormick, Mood, Perkins, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 16. Absent Mr. Robinson.

The Bill was then referred to the Committee on Territorial Affairs.

H.B. No. 5—"To enable the County of Gallatin to erect a Court House and Jail"—reported back by the Committee on Ways and Means with amendment was taken up and Mr. Sanders moved to amend the amendment as follows: Strike out the word "daily" where it occurs and insert the word "weekly" in lieu thereof, which motion prevailed. On motion the amendment as amended was adopted and the bill referred to the Engrossment Committee.

H.B. No. 1—In relation to Notaries Public reported back from Judiciary Committee with amendments was on motion recommitted.

The following message from the Council was received.

Council Chamber
Jan 22nd 1879

Mr. Speaker,

I am instructed by the Council to inform the House that Sedman gave notice as follows, of "A Bill for an Act to amend Sec. 24 & 25 of an Act concerning crimes and punishments" also of "A Bill to amend Sec. 31 of an Act entitled an Act providing for the collection of revenue". That the following Bills and Memorials have passed the Council and are transmitted.

H.J.M. No. 3—relating to Surveyor General.

H.B. No. 8—"An Act in relation to Canadian Money."

C.B. No. 7—"An Act to prevent the trespassing of animals upon private property."

C.B. No. 9—"An Act to amend Sec. 11 of an Act to provide for biennial elections in the Territory of Montana approved Feby 11th 1876."

Respectfully
Harry R. Comly
Chief Clerk

C.B. No. 9—"An Act to amend Sec. 11 of an Act entitled an Act to provide for biennial Elections in the Territory of Montana approved Feby 11th 1876" was read 1st and 2nd time and referred to Committee on Elections.

C.B. No. 7—"An Act to prevent the trespassing of animals upon private property" was read 1st and 2nd time and referred to Judiciary Committee.

H.B. No. 8—"An Act in relation to Canadian money" and H.J.M. No. 3—In reference to change in system of Land Surveys returned from the Council with notice of passage were ordered Enrolled.

On motion the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

ELEVENTH DAY

House of Representatives
January 23, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Speaker announced that he appointed Members of the "House Committee on Printing" as the Committee upon the part of the House contemplated in H.J.R. No. 3—in relation to printing contract.

The following report from the Committee on Printing was received.

Mr. Speaker,

Your Committee on Printing to whom was referred H.B.'s No. 14 and No. 15 hereby report the same correctly printed.

Harrington
Chairman

The Committee on Elections reported as follows:

Mr. Speaker,

Your Committee on Elections to whom was referred C.B. No. 9 being "An Act to amend Sec. 11 of an Act entitled an Act to provide for biennial elections in the Territory of Montana" beg leave to report that they have had the same under consideration and report the same back to the House with the recommendation that it do not pass.

Beach
Chairman

The Committee on Federal Relations reported as follows:

Mr. Speaker,

Your Committee on Federal Relations to whom was referred House Joint Memorial No. 4 in relation to confining Indians on their reservations and consolidation of Military Departments beg leave to report that they have had the same under consideration and would recommend that the same be amended as follows by inserting after the word "who" in the thirty first line the words "annually pass through the Counties of Beaverhead, Madison and Gallatin and" and after the word "the" in same line insert the words "fences and in some instances the". Strike out the words "County of Choteau" in the thirty eighth line and insert in lieu thereof the words "Counties of Missoula, Deer Lodge, Lewis and Clarke, Chouteau and Meagher". And strike out the word "Cavalry" in the sixty fifth line and insert in lieu thereof the word "Infantry" and as thus amended that the bill do pass.

Stuart
McElroy
Barbour
Combs
Edwards

Report was adopted.

And the memorial with amendment referred to Committee on Engrossment.

The committee on Territorial Affairs reported as follows:

Mr. Speaker,

Your Committee on Territorial Affairs to whom was referred H.B. No. 12—Entitled "An Act to encourage the killing of Wild Beasts" having had the same under consideration would report as follows. That whilst it's a well known fact that destruction has followed the ravages of those Beasts in some sections of the Territory. Your Committee has been informed that not less than 20,000 pelts of one specie of those Beasts have been shipped from the Territory during one year. Your Committee would therefore call your attention to the heavy drafts that would annually be made upon the Territorial Treasury under the provisions of this Act and would beg leave to report the Bill back to the House with the recommendation that it do not pass.

Sweeney
Chairman

Report was adopted.

The following Message was received from the Governor.

Territory of Montana
Executive Department
Helena January 23rd 1879

To the Legislative Assembly,

I have the honor to submit for information of the Legislative Assembly a statement showing the amount reported as paid by the several Counties in the year 1878 for the trial and conviction of persons charged with the crime of felony.

Beaverhead County	1,628.70
Lewis & Clarke County	1,967.55
Madison County	1,050.00
Missoula	194.55
	<hr/> 4,840.80

No report has been received from Deer Lodge County. The other Counties report they have incurred no expense during the year for the purposes above stated.

Respectfully
B.F. Potts

The Committee on Enrollment reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that H.J.M. No. 1 asking Congress for further appropriations to defray expenses of the 11th Legislative Assembly of Montana was presented to the Governor at 3:05 P.M. Jan. 22nd 1879.

Forbis

The Committee on Education and Labor reported as follows:

Mr. Speaker,

Your Committee to which was referred H.B. No. 14 entitled "Sunday Law" would beg leave to report the same back to the House with the following amendment. Amend by striking out the words found in line four of printed copy (or at private sale). With this amendment your Committee would recommend that the Bill do pass.

Thorpe
Chairman

The Committee on Federal Relations reported as follows:

Mr. Speaker,

Your Committee on Federal Relations to whom was referred the Memorial of the Constitutional Convention of California on the subject of Chinese emigration have had the same under consideration and beg leave to report that in accordance with the request therein contained they have prepared the accompanying Memorial to the President and Senate of the United States.

Stuart
Chairman

Notices of the introduction of Bills were given as follows:

By Mr. Beach,

"A Bill for an Act concerning the appropriation of moneys collected for license taxes."

By Mr. Sanders,

"A Bill for an Act enabling towns and villages to obtain a supply of water." Also, "A Bill for an Act concerning Corporations."

By Mr. Robinson,

"A Bill for an Act to change the name of "Sing On" to the name of George Taylor."

By Mr. McElroy,

"A Bill in relation to the taxing of hay." Also, "A Bill in relation to the attaching the wages of Laborers in the hands of Employers." Also, "A Bill for an Act to repeal Section 156 of the Criminal Laws of Montana Territory approved January 12th 1872."

By Mr. Marion,

"A Bill to amend an Act relating to irrigation and water rights."

By Mr. Hamilton,

"An Act for the relief of St. Johns Hospital."

The following message was received from the Council.

Council Chamber
Jany 22nd 1879

Mr. Speaker,

I am directed by the Council to inform the House that Ives introduced C.B. No. 12—"An Act to enlarge Homesteads". That H.C.R. No.—requesting

County Clerk of Missoula Co. to furnish information has passed the Council and is transmitted.

Respectfully
Harry R. Comly
Chief Clerk

H.C.R. asking Co. Clerk of Missoula County furnish certain information was ordered enrolled and Clerk instructed to transmit a Copy to said Co. Clerk.

H.B. No. 18—Entitled "Round up and Estray Law" was read 1st and 2nd time and referred to Committee on Grazing and Stock-growing.

H.B. No. 20—"An Act to amend the Revenue Law" was read 1st and 2nd time and referred to Committee on Ways and Means.

H.B. No. 19—"An Act to encourage Steamboat Navigation on the Upper Missouri River" was read 1st and 2nd time and referred to Committee on Internal Improvements.

H.J.M. No. 6—"In regard to transfer of Indian Affairs to War Department" was read 1st and 2nd time and Mr. Robinson offered the following amendment. Insert after the words "Past experience of our people" the following "And that from such experience we have at least learned to doubt the good faith and honesty of the greater number of the Agents now and heretofore in charge of the several tribes".

H.B. No. 14—Entitled "Sunday Law" reported back from Committee on Education and Labor with amendment and recommending its passage was referred to the Engrossment Committee.

H.B. No. 15—"To reapportion Members of the Legislative Assembly" reported from Printing Committee correctly printed was referred to Committee on Territorial Affairs.

H.J.M. No. 4—"In reference to confining Indians on their Reservations" reported back from Committee on Federal Relations with amendments was referred to Committee on Engrossment.

On motion House took a recess until 2 O'Clock P.M.

2 O'Clock P.M.

House resumed. Mr. Speaker in the Chair.

Roll called—Quorum present.

Mr. Speaker announced the business before the House to be the motion of Mr. Robinson to amend H.J.M. No. 6.

Mr. Sweeney moved to refer the Memorial together with amendment to the Committee on Military Affairs which motion prevailed.

H.J.M. No. 5—"In regard to Chinese Immigration" was read 1st and 2nd time and Mr. Sanders moved to strike out the word "Religion" where it occurs and insert before the word "habits" the word "or" which amendment was adopted.

Mr. Sanders moved to amend by striking out the word "all" in the bill and insert in lieu thereof "to a majority of the Members of this Legislative Assembly".

Mr. Hamilton moved to amend the amendment by substituting the words "It is a matter of common report well known to all" which motion prevailed and the Memorial with amendments was referred to the Committee on Federal Relations.

H.B. No. 12—"An Act to encourage the killing of wild animals" was read a 3rd time and on motion of Mr. Sanders the rules were suspended and the Bill recommitted to the Committee on Grazing and Stock-growing.

C.B. No. 9—"An Act to amend Sec. 11 of an Act entitled an Act to provide for biennial elections in the Territory of Montana approved Feby 11th 1876" was read a 3rd time and lost by the following vote. Those voting Aye were—Fergus. Those voting No were—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 23. Absent—Mr. Noyes, Mr. Barbour.

On motion of Mr. McCormick H.B. No. 3 with substitute being a Bill in relation to Swine was taken from the Table and referred to the Committee on Grazing and Stock-growing.

On motion of Mr. Steell the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

TWELFTH DAY

House of Representatives
January 24th, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the Council.

Council Chamber
Jan 23rd 1879

Mr. Speaker,

I am instructed by the Council to inform the House that the following notices were given.

By Ives of a Bill for "An Act to provide for a tax on the gross proceeds of quartz mines". By Holter of a bill for "An Act fixing the rate of interest on Territorial Warrants". By Kennon of a Bill for "An Act to change the name of Sarah A. Merrill to that of Sarah A. Murdock". That H.J.M. No. 2—"In relation to the improvement and repair of the Mullen Road" has passed the Council and is transmitted.

Respectfully
Harry R. Comly
Chief Clerk

Mr. Edwards presented a Petition from Citizens of Gallatin County asking repeal of an Act entitled an Act to consolidate certain Co. offices of Meagher, Chouteau and Gallatin Counties. The petition was read, referred to Committee on Education and Labor.

H.J.M. No. 2 reported from the Council with notice of its passage was ordered Enrolled.

Mr. Brooke from the Committee on Grazing and Stock-growing reported as follows:

Mr. Speaker,

Your Committee on Grazing and Stock-growing to whom was referred H.B. No. 3—"An Act in relation to Swine" beg leave to report the same back with the following amendments, to strike out the words "first of April" and insert in lieu thereof the words "first of March". Also strike out the words "twenty five" and insert in lieu thereof the word "ten". All of which is respectfully submitted.

Brooke

The report was adopted and the Bill as amended ordered Engrossed.

Mr. Harrington from the Engrossment Committee reported as follows:
Mr. Speaker,

Your Committee on Engrossment to whom was referred H.B.'s No. 5 and No. 14 have examined said Bills and hereby report them correctly Engrossed.

Also as follows:

Mr. Speaker,

Your Com't on Engrossment to whom was referred H.J.M. No. 4 have examined the same and find the same correctly Engrossed.

Harrington

The Judiciary Committee reported as follows:

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 1 beg leave to report that it has considered said Bill and beg leave to report a substitute herewith submitted therefor which it recommends do pass.

Robinson
Chairman

Also as follows:

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 16—a Bill for "An Act concerning the County of Custer" beg leave to report that it has had said Bill under consideration and would recommend that so much of Sec. 4 as reads as follows, to wit: in consideration of the efficiency, courage, eminent services and prudence of Col. Nelson A. Miles, Col. of the Cavalry be stricken out. With said amendment your Committee recommend that said Bill do pass.

Robinson
Chairman

Also as follows:

Mr. Speaker,

Your Committee on the Judiciary to which was referred C.B. No. 7—A Bill for "An Act to prevent the trespassing of animals on private property" has had the same under consideration. Your Committee recommends that the Bill be amended by inserting after the word "animals" in line 4 of page 2 the words "the said animals". Also that the same be amended by adding thereto the following. Sec. 2. That chapter 4 of an Act revising, reenacting and codifying the general and permanent laws of Montana Territory approved January 12th 1872 concerning the trespassing of animals on private property be and the same is hereby repealed. And that the same be further amended by striking out the words "the same may be posted under the Estray laws of the Territory" where they occur in the Bill. And that as so amended, that the Bill do pass.

Robinson
Chairman

H.B. No. 16—"An Act concerning the County of Custer" was reported back from the Judiciary Committee with amendments. The amendments adopted and Bill ordered Engrossed.

C.B. No. 7—"An Act to prevent the trespassing of animals upon private property" was reported from the Judiciary Committee with amendments. The amendments were adopted and ordered Engrossed.

Mr. Sanders offered the following Resolution.

Resolved: That the Members of this House hereby express their thanks to Mr. Robert E. Strahorn for the copies of "The New West" which he has placed

upon their tables and which graphically describes the topography and resources of the Territory with fidelity.

Resolution was adopted.

On motion the Substitute for H.B. 1—"An Act in relation to Notaries Public" reported by the Judiciary Committee was adopted and Mr. Sanders moved to suspend the rules and put the Substitute upon its final passage which motion prevailed and the bill was passed by the following vote. Those voting aye were—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 25. Absent—Mr. McCormick.

Title was agreed to.

Mr. Forbis introduced the following Resolution.

Resolved: That House Rule N. 8 be amended to read as follows, to wit: No member shall speak more than twice on the same subject without leave of the House nor more than once until every member choosing to speak on the question pending shall have spoken. Nor shall any member occupy the floor for a longer period than five minutes at one time without the consent of the House.

Mr. Beach moved to amend the Resolution by striking out the word "five" and inserting in lieu thereof the word "fifteen". On motion of Mr. Sanders the Resolution was made the Special Order for 2½ O'Clock P.M. January 31st 1879.

Mr. Noyes introduced the following Resolution.

Resolved: By the House of Representatives the Council, concurring, that the Legislative Assembly do adjourn on Wednesday the 12th day of February 1879. Sine die.

Noyes

On motion of Mr. Sanders the Resolution was made the Special Order for 3 O'clock P.M. January 31st 1879.

Mr. Robinson introduced H.B. No. 21—"An Act to change the name of "Sing On" to that of George Taylor" which was read 1st and 2nd time and referred to Committee on Education and Labor.

Mr. Fergus introduced H.B. No. 22—"To establish and regulate fees of Assessors" which was read 1st and 2nd time and Mr. Robinson offered the following Amendment, "That the County of Deer Lodge shall be exempt from the operation of the Act". Mr. Hamilton moved to amend the Amendment by inserting after the words "Deer Lodge" the words "Chouteau County" the amendment to the Amendment was accepted when the motion to adopt the Amendment was lost.

Mr. Robinson then offered the following Amendment. Insert the words "One Mill" in lieu of the words "three quarters of a mill".

On motion of Mr. McCormick the House took a recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed. Mr. Speaker in the Chair.

Roll called—Quorum present.

Mr. Sweeney on leave of the House presented a Petition from Citizens of Lewis and Clarke County urging passage of "An Act concerning Limitations" now pending in the Legislative Assembly which was referred to Judiciary Committee.

Mr. Forbis from the Committee on Enrollment reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that they have examined and compared H.C.R. requesting the County Clerk of Missoula County to furnish to the Legislative Assembly of Montana certain data. Also, H.J.M. No. 3—"relating to the change in the System of Public Surveys". Also, H.B. No. 8—entitled "An Act in relation to Canadian Money" and find such correctly Enrolled.

Forbis

Mr. Speaker announced the Order of Business to be the consideration of the amendment offered by Mr. Robinson to H.B. No. 22—"An Act to establish and regulate the fees of Assessors" and the Ayes and Noes being called for the amendment was lost by the following vote.

Ayes—Marion, McElroy, Noyes, Robinson - 4.

Noes—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, McCormick, Mood, Perkins, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 21.

The Bill was then referred to the Committee on Ways and Means.

Mr. Fergus introduced H.B. No. 23—"An Act to establish and regulate the fees of Treasurer" which was read 1st and 2nd time and referred to Committee on Ways and Means. Also, H.B. No. 24—"An Act to amend Section 18 of an Act concerning printing which was read 1st and 2nd time and referred to the Committee on Ways and Means.

The following Message was received from the Council.

Council Chamber
January 24th, 1879

Mr. Speaker,

I am instructed by the Council to inform the House that the Council has ordered the Report of the Historical Society to be transmitted to the House which is done accordingly. The following Bills were introduced. By Sanders, C.B. 14—"An Act to authorize the Governor to contract for the keeping and maintaining of the Territorial Convicts in the U.S. Penitentiary at Deer Lodge". By Holter, C. B. 15—"An Act fixing the rate of interest on Territorial Warrants".

Respectfully
Harry R. Comly
Chief Clerk

Also the following:

Council Chamber
January 24th, 1879

Mr. Speaker,

I am instructed by the Council to inform the House that Kennon gave notice of a Bill for an Act to provide for the more efficient collection of the Special Poor and Special Road Tax and to amend the Act prescribing the qualifications of Voters. That Kennon introduced C.B. No. 16—A Bill for "An Act to change the name of Sarah A. Merrill to Sarah A. Murdock" which has passed the Council and is transmitted.

Respectfully
Harry R. Comly
Chief Clerk

C.B. 16 transmitted with above communication was read 1st and 2nd time and referred to the Judiciary Committee.

On motion H.B. No. 17 with report from Judiciary Committee was recommitted.

On motion the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

THIRTEENTH DAY

House of Representatives
January 25th, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The Report of the Historical Society transmitted from the Council was on motion of Mr. Sanders referred to the Committee on Education and Labor.

Mr. Speaker announced that he was about to sign H.B. No. 8, "An Act in relation to Canadian Money". Also, that he was about to sign H.J.M. No. 3, "In reference to Surveys of Public Lands". Also, that he was about to sign H.C. Resolution requesting County Clerk of Missoula County to furnish certain data.

H.B. No. 5—"An Act to enable the County of Gallatin to erect a Court House and Jail" was read a 3rd time and passed by the following vote. Those voting Aye were—Barbour, Beach, Boardman, Boyer, Brooke, Coombs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 26.

Title was agreed to.

H.B. No. 14—Entitled "Sunday Law" was read a 3rd time and Mr. Forbis moved to suspend the rules and that the Bill be recommitted to the Judiciary Committee which motion prevailed and the Bill was so referred.

H.J.M. No. 4—"In relation to confining Indians on their Reservations" was read a 3rd time and passed by the following vote: Barbour, Beach, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 24. Absent—Messrs. Boardman and McCormick.

The Committee on Military Affairs reported as follows:

Mr. Speaker,

Your Committee on Military Affairs to which was referred H.J.M. No. 6—"Requesting transfer of Indian Affairs to the War Department" has had the same under consideration and recommend that the same be amended by striking out the first word "that" in line 17 and that as so amended that the Memorial do pass. All of which is respectfully submitted.

W.L. Perkins
Chairman

The report was adopted and on motion of Mr. Sanders the Clerk so amended the Memorial in the presence of the House.

Mr. Sanders then moved a suspension of the Rules that the Memorial be considered Engrossed and put upon its final passage which motion prevailed and H.J.M. No. 6 was passed by the following vote.

Those voting Aye were—Beach, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 22. Those voting No were—Barbour, McElroy - 2. Absent—McCormick and Boardman.

The Committee on Education and Labor reported as follows:

Mr. Speaker,

Your Committee on Education and Labor to whom was referred H.B. No. 21—Entitled “An Act to change the name of Sing On to George Taylor” would beg leave to report as follows: That they have had the same under consideration and as we deem the subject of this proposed legislation wholly foreign to the duties of this Legislative Assembly and as such action would seem to establish a precedent that ought to be avoided as far as possible we would respectfully recommend that the Bill do not pass.

Thorpe
Chairman

Upon the question of the adoption of the report the Ayes and Noes were called for when the following Members voted Aye as their names were called—Barbour, Beach, Brooke, Combs, Fergus, Hamilton, Harrington, McCormick, Noyes, Perkins, Saunders, Steell, Stuart, Sweeney, Thorpe, Wilson - 16. Those voting No were—Boardman, Boyer, Cornick, Edwards, Forbis, Marion, McElroy, Mood, Robinson, Mr. Speaker - 10.

Report was adopted.

The Judiciary Committee reported as follows:

Mr. Speaker,

The Judiciary Committee to which was referred C.B. No. 16—“An Act to change the name of Sarah A. Merrill” beg leave to report that it has considered said Bill and recommends that it be amended by adding thereto the word “by” and with said amendment said Committee recommend that said Bill do pass.

Robinson
Chairman

The report and amendment recommended were adopted and on motion of Mr. Sanders, the Clerk was directed to Engross the amendment to the Bill in the presence of the House. Whereupon the Clerk proceeded to so Engross said amendment.

On motion House took a Recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed. Mr. Speaker in the Chair.

Roll called—Quorum present.

On motion of Mr. McCormick leave of absence was given Mr. Mood for the day.

The Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred H.B. No. 16—"An Act concerning the County of Custer" have examined the same and find it correctly Engrossed.

Harrington
Chairman

The Committee on Territorial Affairs reported as follows:

Mr. Speaker,

Your Committee on Territorial Affairs to whom was referred H.B. No. 15—Entitled "An Act to reapportion the Members of the Legislative Assembly" beg leave to report the same back to the House with the recommendation that it be referred to a select committee consisting of one Member from each County.

Sweeney
Chairman

The report was adopted.

Mr. Speaker designated the Committee contemplated in the report as follows: From Lewis and Clarke County, Mr. Sanders, From Madison County, Mr. Boyer, From Meagher County, Mr. Thorpe, From Gallatin County, Mr. Perkins, From Choteau County, Mr. Hamilton, From Deer Lodge County, Mr. Robinson, From Jefferson County, Mr. Brooke, From Missoula County, Mr. McCormick, From Beaverhead County, Mr. Barbour.

Mr. Marion introduced H.B. No. 25—"An Act to amend an Act in relation to irrigation and water rights" which was read 1st and 2nd time and referred to the Committee on Printing.

The following Message was received from Council.

Council Chamber
January 25th, 1879

Mr. Speaker,

I am instructed by the Council to inform the House that the following notice was given. By Gillette of a Bill for an Act to amend Sections 535 and 555 of the Act relating to Probate Courts and Estates of Deceased Persons. The following bills have passed the Council and are transmitted. C.B. No. 5—"An Act to incorporate the Town of Butte." And C.B. No. 6—"An Act amendatory of Sec. 286 of the Criminal practice Act."

Respectfully
Harry R. Comly
Chief Clerk

C.B. No. 6—"An Act Amendatory of Sec. 286 of the Criminal practice Act" was read a 1st and 2nd time and Mr. Sanders moved to amend by striking out the last Section which motion prevailed and the Bill was referred to the Judiciary Committee.

C.B. No. 5—"An Act to incorporate the Town of Butte" was read a first and second time and referred to the Judiciary Committee.

H.B. 21—"An Act to change the name of "Sing On" to the name of George Taylor" was ordered Engrossed.

H.B. No. 16—"An Act concerning the County of Custer" was read a 3rd time and Mr. Sanders moved to suspend the Rules and that the Clerk be instructed to strike out the word "of" in the sixth line of Sec. 1 which motion prevailed. Whereupon the Clerk did so strike out the word "of" in the presence of the House and the Bill was placed upon its final passage and passed by the following vote. Those voting Aye were—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 25. Noes—none. Absent on leave, Mr. Mood.

Title was agreed to.

C.B. No. 16—"An Act to change the name of Sarah A. Merrill to that of Sarah A. Murdock" was read a 3rd time and passed by the following vote. Those voting Aye were—Barbour, Boardman, Boyer, Brooke, Cornick, Forbis, Hamilton, Marion, McCormick, McElroy, Noyes, Robinson, Wilson, Mr. Speaker - 14. Those voting No were—Beach, Combs, Edwards, Fergus, Harrington, Perkins, Sanders, Steell, Stuart, Sweeney, Thorpe - 11. Absent on leave, Mr. Mood. Title was agreed to.

On motion of Mr. Hamilton the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

FIFTEENTH DAY

House of Representatives
January 27th, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Thirteenth day read and approved.

The Committee on Education and Labor reported as follows:

Mr. Speaker,

Your Committee on Education and Labor to which was referred that portion of his Excellency the Governor's Message relative to the propriety of making a liberal appropriation for the collection, printing and distribution of matter descriptive of the resources and climate of Montana would beg leave to report as follows: In view of this, your Committee have received a proposition from Robert E. Strahorn, Esqr. of Omaha, Editor of The New West which is herewith transmitted and as this proposition seems quite liberal and well calculated to serve the end desired, your Committee would respectfully recommend that an appropriation be made to pay the cost of Ten thousand copies of such pamphlet. Your Committee would also state that a bill will be prepared and introduced at an early day with a view to this end.

Thorpe
Chairman

The communication referred to in and accompanying the report of the Committee on Education and Labor was as follows:

Helena Montana
January 24th 1879

To the Committee on Education and Labor, House of Representatives of Montana Territory.

Gentlemen,

As Members of your honorable body have expressed a desire to make provision for the distribution of immigration documents of some kind, I take pleasure in volunteering the following proposition which, if accepted, will at least partially answer the demand in a very economical way. My forthcoming book, "To the Rockies and Beyond" will contain some seventy five pages devoted exclusively to the resources of Montana and the attractions of Yellowstone Park. This will include a revision of the matter which recently appeared in the "New West". I will give the benefit of my labor and the use of the type of the Montana matter free and furnish a finely printed, well illustrated pamphlet of say seventy five pages at the mere cost of paper, presswork and binding. Having nothing to pay for the compilation of the work or the type-setting the Territory can thus be furnished with the document at six and one half (6½) cents per copy in an edition of 10,000 copies, or at five and one half (5½) cents per copy in an edition of 20,000 copies. For any

my different publication and for the use of such railroad and steamship companies, etc. as may desire to bid for the Montana travel and trade. I should probably state that the above estimates do not include the cost of transportation from Chicago to Montana, but that I will cheerfully use my influence with transportation companies to secure a special low rate.

Very Respectfully Yours
Robert E. Strahorn

The Committee on Internal Improvements reported as follows:

Mr. Speaker,

Your Committee on Internal Improvements to which was referred so much of the Message of the Governor as recommends memorializing Congress to make appropriations to improve the Navigability of the Upper Missouri River and also the Yellowstone River, has had the same under consideration and earnestly approves of the views of the Governor in this regard. Your Committee will report a Memorial upon this subject at an early day with the recommendation that it do pass. All of which is respectfully submitted.

W.F. Sanders
Chairman

The Committee on Printing reported as follows:

Mr. Speaker,

Your Committee on Printing to which was referred H.B. No. 25—"An Act in relation to irrigation and water rights" have examined said bill and find the same correctly printed.

Harrington

The Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment to which was referred H.B. No. 21—"An Act to change the name of "Sing On" to the name of George Taylor" have examined the said bill and find the same correctly Engrossed.

Harrington

Also as follows:

Mr. Speaker,

Your Committee on Engrossment to which was referred H.B. No. 3—"An Act in relation to Swine" have examined said bill and find the same correctly Engrossed.

The following Notices were given.

By Mr. Hamilton,

"A Bill to amend Section 72 of and Act concerning crimes and punishments."

By Mr. Stuart,

"A bill for the relief of A.C. Botkin."

The following Message was received from the Council.

Council Chamber
January 25th 1879

Mr. Speaker,

I am instructed by the Council to inform the House that Hyde gave notice of the introduction of a bill for "An Act to amend Sec. 55 of the Probate Practice Act". That the following have passed the Council and are transmitted. C.C.R. No. 4—"Concerning Auditor and Treasurer's books." H.J.M. No. 4—"In relation to confining Indians on Reservations." H.B. No 4—"An Act to provide for the redemption of the Funded Indebtedness of Gallatin County" with amendments which are attached to the Bill. C.B. No. 13—"An Act prescribing the penalty for murder." C.B. No. 11—"An Act concerning Notaries Public."

Respectfully
Harry R. Comly
Chief Clerk

On motion C.C.R. No. 4—"Concerning Auditor and Treasurers books" was adopted.

H.J.M. No. 4—"In relation to confining Indians on their Reservations" transmitted from the Council with notice of its passage was ordered Enrolled.

H.B. No. 4—"An Act to provide for the redemption of the Funded Indebtedness of Gallatin County" transmitted from the Council with Amendments attached was with Amendments referred to the Committee on Ways and Means.

Mr. Forbis introduced H.B. No. 26—A Bill for "An Act to provide for holding terms of the District and Probate Courts in the Town of Butte, Deer Lodge County, M.T. and to establish branch County offices in the Town of Butte with Records" which was read a 1st and 2nd time and Mr. Sanders moved to Amend by striking out all after the Enacting Clause and insert "All that portion of Deer Lodge County lying and being south of an East and West line crossing the Deer Lodge River at the North of Warm Spring Creek shall constitute a new County to be known as Stuart County."

The Bill with Amendment offered was then referred to the Committee on Towns and Counties.

Mr. McElroy introduced H.B. No. 27—"An Act to repeal Sec. 156 of the Criminal Laws" which was read a 1st and 2nd time and referred to the Judiciary Committee.

Mr. Hamilton introduced H.B. No. 28—"A Bill for the relief of St. Johns Hospital" which was read a 1st and 2nd time and on motion of Mr. Boardman was referred to the Committee on Territorial Affairs.

The Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment to which was referred C.B. No. 7—"An Act to prevent the trespassing of animals upon private property" with Amendments thereto have examined the same and find the Amendments correctly Engrossed.

H.B. No. 21—"An Act to change the name of "Sing On" to the name of George Taylor" was read a 3rd time and passed. Those voting Aye were—Barbour, Beach, Boardman, Boyer, Brooke, Cornick, Hamilton, Marion, McElroy, Noyes, Perkins, Robinson, Steell, Sweeney, Mr. Speaker - 15. Those voting No were—Combs, Edwards, Fergus, Harrington, McCormick, Mood, Sanders, Stuart, Thorpe, Wilson - 10. Absent—Mr. Forbis.

Title was agreed to.

House Bill No. 25—"An Act to amend An Act in relation to Irrigation and Water Rights" reported correctly printed was referred to the Committee on Agriculture and Manufactures.

H.B. No. 3—"An Act in relation to Swine" was read a 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Hamilton, Harrington, Marion, McElroy, Mood, Noyes, Perkins, Robinson, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 22.

Those voting No were—McCormick, Sanders - 2. Absent—Messrs. Boardman and Forbis.

Title was agreed to.

On motion of Mr. Sweeney the House took a Recess until 2:30 P.M.

2:30 P.M.

House resumed. Mr. Speaker in the Chair.

Roll Called—Quorum present.

Absent, Messrs. Boardman, Robinson, Steell.

On motion of Mr. Steell was granted leave of absence for the day.

The following Message was received from the Council.

Council Chamber
January 27th 1879

Mr. Speaker,

I am instructed by the Council to inform the House that Bills have been introduced. By Gillette, C.B. 17—A Bill for "An Act to amend Sections 535 & 555 of the Act relating to Probate Courts & Estates of deceased persons approved 9th February 1877." By Hyde, C.B. 18—"An Act to amend Sec. 55 of the Probate practice Act."

That the President has appointed Messrs. Hays and Gillette, the Committee on the part of the Council, to examine the Auditor's & Treasurer's books as contemplated by C.C.R. No. 4.

Respectfully
Harry R. Comly
Chief Clerk

On motion Mr. Robinson was granted leave of absence for the day.

C.B. No. 7—"An Act to prevent the trespassing of animals upon private property" being before the House for a 3rd reading. Mr. Sanders moved to

suspend the Rules and recommit the Bill to the Judiciary Committee which motion prevailed and the Bill was so recommitted.

Mr. Speaker announced that he appointed Messrs. Stuart and Barbour the Committee upon the part of the House as contemplated by C.C.R. No. 4—In regard to Auditor and Treasurer's books.

Notices were given as follows:

By Mr. McCormick,

"A Bill for An Act for the relief of Wilbur F. Sanders and Wm. E. Cullen."

By Mr. Combs,

"An Act to encourage the building of Rail Roads in the Territory of Montana."

By Mr. Sanders,

A Bill for "An Act to amend the Helena Incorporation Act."

By leave of the House Mr. McCormick from the Ways and Means Committee reported as follows:

Mr. Speaker,

Your Committee on Ways and Means to which was referred House Bill No. 22—"An Act to establish and regulate the fees of Assessors" have had the same under consideration and report the same back to the House with the recommendation that it do pass.

McCormick
Chairman

On motion of Mr. Thorpe, the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

SIXTEENTH DAY

House of Representatives
January 28th, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll call—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following Message was received from the Council.

Council Chamber
January 27th 1879

Mr. Speaker,

I am instructed by the Council to inform the House that C.B. No. 8—"An Act to consolidate the County offices of Beaverhead and Custer Counties" has passed the Council. That House amendments to C.B. 16—"An Act to change the name of Sarah A. Merrill to Sarah A. Murdock" were concurred in by the Council and the Bill ordered Enrolled.

Respectfully
Harry R. Comly
Chief Clerk

The following report was received from the Committee on Enrollment.

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that they have examined and compared C.B. No. 16—Entitled "An Act to change the name of Sarah A. Merrill to Sarah A. Murdock" and find the same correctly Enrolled.

Forbis

Also the following.

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that H.B. No. 8—Entitled "An Act in relation to Canadian Money" was presented to the Governor at 3:20 P.M. Jan'y 27th 1879.

Forbis

Notices of the introduction of Bills were given.

By Mr. Steell,

"A Bill to regulate the salaries of the Territorial Auditor and Treasurer."

By Mr. Noyes,

"A Bill for an Act authorizing the Board of County Commissioners of Deer Lodge County to audit and pay certain bills incurred by the Citizens of Deer Lodge County during the Nez Perce War in 1877."

C.B. No. 8—"An Act to consolidate the County offices of Beaverhead and

Custer Counties" was read a 1st and 2nd time and Mr. McCormick moved to amend by striking out Sec. 3 of the Bill. Bill and amendment were then referred to the Committee on Education and Labor.

The following Message was received from the Governor.

Territory of Montana
Executive Department
Helena January 27th 1879

To the Speaker of the House of Representatives,

I have the honor to inform the House of Representatives that I have this day approved H.B. No. 8—Entitled "An Act concerning the circulation of Canadian Money in the Territory of Montana".

Respectfully
B.F. Potts

Mr. Stuart introduced H.B. No. 29—"An Act for the relief of A.C. Botkins" which was read a 1st and 2nd time and referred to the Committee on Ways and Means.

Mr. Fergus introduced H.B. No. 30—"A Bill in relation to fees of County Clerks" which was read a 1st and 2nd time and referred to Committee on Printing.

Mr. Coombs introduced H.B. No. 31—"An Act to encourage the construction of Rail Roads in Montana" which was read a 1st and 2nd time and Mr. Robinson moved to indefinitely postpone.

Mr. Combs moved to commit to the Committee on Internal Improvements. Mr. Forbis moved to amend the motion of Mr. Combs by referring the Bill to Committee on Printing which Amendment was accepted and the Bill was so referred.

Mr. Speaker announced that he was about to sign C.B. No. 16—"An Act to change the name of Sarah A. Merrill to Sarah A. Murdock."

Mr. McCormick by leave of the House introduced H.B. No. 32—"An Act for the relief of Wilbur F. Sanders and Wm. E. Cullen" which was read a 1st time and Mr. Robinson moved to reject the bill which motion was lost and the bill read a 2nd time and referred to the Committee on Ways and Means.

On motion of Mr. Forbis the House adjourned to 10 O'Clock A.M. Jan'y 29th.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

SEVENTEENTH DAY

House of Representatives
January 29th, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following Message was received from the Council

Council Chamber
Jan 28th 1879

Mr. Speaker,

I am directed by the Council to inform the House that the following Bills have passed the Council and are transmitted. H.B. 21—"An Act to change the name of "Sing On" to George Taylor". H.J.M. 6—"Requesting transfer of Indian Affairs to War Department." H.B. 1—"An Act in relation to Notaries Public." H.B. 16—"An Act concerning the County of Custer" with amendment. C.B. 2—"An Act to provide for Licensing Commercial Travelers." C.B. 3—"An Act to provide for the compensation of Kerley, McQuaid and LaCroix."

Respectfully
Harry R. Comly
Chief Clerk

Also the following.

Council Chamber
Jan 28th 1879

Mr. Speaker,

I am instructed by the Council to inform the House that the following notices of the introduction of Bills were given. By Kennon, "An Act to provide for the support and maintenance of the Philipsburg Fire Department." By Holter, "An Act concerning incorporations." That H.B. No. 5—"An Act to enable the County of Gallatin to erect a Court House and Jail" has passed the Council with amendments and is transmitted.

Respectfully
Harry R. Comly
Chief Clerk

Mr. Robinson presented a petition from Citizens of Deer Lodge County in regard to laws exempting Rail Roads from taxation.

The Committee on Printing reported as follows:

Mr. Speaker,

Your Committee on Printing to whom was referred H.B. No. 22—"A Bill for "An Act to establish and regulate the fees of Assessors" have examined said bill and find the same correctly printed.

Harrington
Chairman

Also as follows.

Mr. Speaker,

Your Committee on Printing to whom was referred H.B. No. 30—"An Act in relation to the fees of County Clerks" have examined said bill and find the same correctly printed.

The Committee on Enrollment reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment to which was referred C.B. No. 16—Entitled "An Act to change the name of Sarah A. Merrill to Sarah A. Murdock" was presented to the Governor at 2:45 P.M. Jan 28th 1879.

Forbis
Chairman

Mr. McCormick from the Ways and Means Committee made the following report.

Mr. Speaker,

Your Committee on Ways and Means to which was referred H.B. No. 4—A Bill for "An Act to provide for the redemption of the funded debt of Gallatin County" have had the same together with Council Amendments thereto under consideration and beg leave to report the same back to the House with the recommendation that the House concur in all of the Council Amendments to said Bill except the amendment designated as Sec. 10. And as to that Amendment, your Committee recommend that the House do not concur. All of which is respectfully submitted.

McCormick

Report was adopted.

And Council Amendments to H.B. No. 4 were considered separately and adopted with the exception of Sec. 10 of said amendments in which amendment the House did not concur and the Clerk was instructed to so notify the Council.

Mr. McCormick moved that the Council be requested to recede from the amendment numbered "Sec. 10" which motion prevailed and the Clerk was directed to transmit said request to the Council.

H.B. No. 30—"An Act in relation to fees of County Clerks" reported correctly printed was referred to the Judiciary Committee.

The Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred H.B. No. 22—A Bill for "An Act to establish and regulate fees of Assessors" have examined said Bill and find the same correctly Engrossed.

Harrington
Chairman

The Committee on Education and Labor reported as follows:

Mr. Speaker,

Your Committee on Education and Labor to which was referred C.B. No. 8—"An Act to consolidate the County Offices of Beaverhead and Custer

Counties" would report the same back to the House and recommend that the Bill do pass.

Thorpe
Chairman

The Committee on Grazing and Stock-growing reported as follows:

Mr. Speaker,

Your Committee on Grazing and Stock-growing to whom was referred H.B. No. 12 respectfully submit the accompanying Bill as a Substitute with recommendation that the Substitute be adopted.

Brooke

The Substitute for H.B. 12—Entitled "Bounty Act" reported from the Committee on Grazing and Stock-growing was read, adopted and ordered Engrossed.

Mr. Sweeney gave notice of the introduction of a Bill for an Act to provide compensation for the Fire Warden for the Town of Helena.

H.B. No. 5—"An Act to provide for the redemption of the funded indebtedness of Gallatin County" transmitted from the Council with amendments was with the Council Amendments referred to the Committee on Ways and Means.

H.B. No. 21—"An Act to change the name of "Sing On" to George Taylor." H.J.M. No. 6—"In regard to transfer of Indians to War Department." And H.B. No. 1—"An Act in relation to Notaries Public" were ordered Enrolled.

The Council Amendments to H.B. 16—"An Act concerning the County of Custer" were adopted and the Bill ordered Enrolled.

C.B. No. 2—"An Act to provide for licensing Commercial Travelers was read a 1st and 2nd time and referred to the Judiciary Committee.

C.B. No. 3—"An Act to provide for the compensation of Kerley, McQuaid and La Croix" was read a 1st and 2nd time and referred to the Committee on Ways and Means.

The following Message was received from the Governor.

Territory of Montana
Executive Department
Helena Montana
Jany 28, 1879

To the Legislative Assembly,

It is with regret that I transmit a copy of a communication from N.S. Vestal, Esq. withdrawing his proposition to purchase the indebtedness of the Territory at six per cent interest. This proposition was sought of Mr. Vestal in good faith and was made in the same spirit.

If the Legislative Assembly has not accepted the proposition in the spirit in which it was made, he is justified in withdrawing it.

Respectfully
B.F. Potts

The following communication accompanied the foregoing.

Helena Montana

Jany 2, 1879

Gov. B.F. Potts

Dear Sir,

I desire to withdraw my communication to you submitting certain propositions in regard to the debt of the Territory. You are well aware that I have been actuated by the best motives in this matter and with a desire and expectation to fulfill my promises having made arrangements to this end which I expected would be satisfactory to everyone. I find however that my motives and good intentions have been doubted in the amendments to the original Bill passed yesterday by the Council and I cannot do otherwise than withdraw the proposition and look elsewhere for the desired investment:

With assurances of esteem, I remain, etc.

(Sig) N.S. Vestal

A true copy. H.W. Hoover, Private Secretary)

Mr. McElroy introduced H.B. No. 34—"An Act to exempt hay from taxation" which was read a 1st and 2nd time and referred to the Committee on Grazing and Stock-growing.

Mr. Beach introduced H.B. No. 33—"An Act concerning the appropriation of moneys collected for license tax" which was read a 1st and 2nd time and referred to the Committee on the Judiciary.

Mr. Hamilton introduced H.B. No. 35—"An Act to amend an Act concerning crimes and punishments" which was read a 1st and 2nd time and referred to the Committee on Printing.

H.B. No. 22—"An Act to establish and regulate the fees of Assessor" reported from the Committee on Engrossment correctly Engrossed was read a 3rd time and passed by the following vote. Those voting Aye were—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, McCormick, Mood, Perkins, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker—20. Those voting No were—Barbour, Harrington, Marion, McElroy, Noyes, Perkins, Robinson—6.

Title was agreed to.

C.B. No. 8—"An Act to consolidate the County offices of Beaverhead and Custer Counties" reported from the Committee on Education and Labor recommending its passage was read a 3rd time and passed by the following vote. Those voting Aye were—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Hamilton, Harrington, Marion, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Thorpe, Wilson, Mr. Speaker—23. Those voting No were—Mr. Sweeney—1. Absent—Messrs. Forbis and McCormick.

Title was agreed to.

Mr. Brooke by consent of the House introduced H.J.M. No. 7—"Asking of Interior Department that Citizens be allowed right of way for Stock over Crow Reservation" which was read a 1st and 2nd time and referred to the Committee on Federal Relations.

On motion of Mr. Hamilton the House took a Recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed. Mr. Speaker in the Chair

Roll called—Quorum present.

The following Message was received from the Council.

Council Chamber
January 29th 1879

Mr. Speaker,

I am instructed by the Council to inform the House that C.B. 18—"An Act to amend Sec. 55 of the Probate Practice Act" has passed the Council and is transmitted.

Respectfully
Harry R. Comly
Chief Clerk

C.B. No. 18—"An Act to amend Sec. 55 of the Probate Practice Act" transmitted from the Council with above communication was read a 1st and 2nd time and referred to the Committee on Judiciary.

On leave of the House the Judiciary Committee presented the following report.

Mr. Speaker,

The Judiciary Committee to which was referred C.B. No. 11—A Bill for "An Act concerning Notaries Public" beg leave to report that it has considered said bill. That the only change in the present law which would be effected by said bill would be to extend the term of office one year, which there would be no object in doing. Wherefore your Committee recommend that said bill do not pass. All of which is respectfully submitted,

J.C. Robinson
Chairman

Also the following:

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 27—A Bill for "An Act to amend Sec. 156 of the Criminal Law" beg leave to report that it has considered said Bill and recommend that it do not pass.

Robinson
Chairman

Also the following Minority Report.

Mr. Speaker,

A Minority of the Judiciary Committee to which was referred Council Bill No. 1—A Bill for "An Act concerning limitations" beg leave to report that it has had said Bill under consideration and recommend that whereas said Committee believe that a large majority of the people of the Territory favor said Bill and are dissatisfied with the present limitation laws and notwithstanding said Committee believe that the present limitation laws are more salutary to the people of this Territory, said Committee therefor recommend that said Bill do pass.

J.C. Robinson
W.J. McCormick
Minority of Committee

Also the following report of the Judiciary on H.B. No. 9.

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 9—A Bill for "An Act in relation to Estray Horses for the benefit of Public Schools" beg leave to report that it has had said Bill under consideration and recommend that the same do not pass.

Robinson
Chairman

Also the following Majority report from the Judiciary Committee.

Mr. Speaker,

A Majority of your Committee on the Judiciary being of the opinion that C.B. No. 1—"An Act concerning limitations" ought not to pass beg leave to dissent from the recommendation of a Minority of the Committee. We are not satisfied that a Majority of the people of the Territory desire its passage nor are any arguments presented for our consideration which do not equally apply against all limitation laws whatever. Every man ought to pay what he owes or surrender what is not his own to the owner without reference to the lapse of time since the debt was created or the wrongful possession taken, but claims to property or of debts due, ought to be asserted when the memories of men as to the transaction involved are fresh and before the witnesses are dead or widely scattered to the end that persons may be protected against fraudulent claims preferred when defendants are laboring under these disadvantages. These arguments need no elaboration or enforcement where population is variable and transient these difficulties are greatly augmented and hence it occurs, that limitations laws are more stringent in new and mining communities than elsewhere. And they are justly so. Beside changes in the laws are deleterious and frustrate the purposes of all limitation laws of any kind. The instances under which a defendant can avail himself of a Statute of Limitation in Montana are claims of ten or fifteen years existence it is not believed now cover ten per cent of the transactions occurring in the Territory during that time owing to the uneasy and feverish desire for change. As a consequence our people are now subject to have preferred against them, stale demands without the adequate protection of the statute of limitations. And this condition of things must continue so long as change in the law continues. Your Committee is of the unanimous opinion that the present law is a salutary one subserving the intents of business, protecting citizens against fraudulent claims giving ample time to all to enforce Just claims in a business way. And we recommend that the bill do not pass. All of which is respectfully submitted.

W.F. Sanders
John F. Forbis
W.T. Boardman

H.B. No. 27—"An Act to repeal Sec. 156 of the Criminal Laws" reported from the Judiciary Committee was on motion recommitted to the Judiciary Committee.

H.B. No. 9—"An Act in relation to Estray Horses for the benefit of Schools" was ordered Engrossed for a 3rd reading.

Mr. Hamilton on leave introduced H.B. No. 36—"An Act to regulate the sale of intoxicating liquors" which was read a 1st and 2nd time and Mr. Robinson moved to amend by striking out the word "twenty" and inserting in lieu thereof the word "five". The amendment was adopted.

On motion of Mr. Sanders the Rules were suspended and the Bill ordered Engrossed for a 3rd reading.

On motion of Mr. McCormick the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

EIGHTEENTH DAY

House of Representatives
January 30th 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following Message was received from the Council.

Council Chamber
January 30th 1879

Mr. Speaker,

I am directed by the Council to inform the House that Kennon introduced C.B. 22—"An Act to provide for a more efficient collection of the special poor tax and the special road tax and to amend the Act prescribing the qualifications of Voters".

Respectfully
Harry R. Comly
Chief Clerk

The Committee on Ways and Means reported as follows:

Mr. Speaker,

Your Committee on Ways and Means to which was referred H.B. No. 5—"An Act to enable the County of Gallatin to erect a Court House and Jail" with amendments of Council to the Bill have had the same under consideration and beg leave to report the same back to the House with the recommendation that the House concur in all of the Council amendments to said bill, except the amendment designated as Section ten (10). And as to that amendment your Committee recommend that the House do not concur. All of which is respectfully submitted.

McCormick
Chairman

Also as follows:

Mr. Speaker,

Your Committee to which was referred H.B. No. 29—"An Act for the relief of A.C. Botkin" have had the same under consideration and beg leave to report the same back to the House with the recommendation that it do pass.

McCormick
Chairman

The following Message was received from the Council

Council Chamber
January 29th 1879

Mr. Speaker,

I am directed by the Council to inform the House that the Council has receded from its amendment of Section 10 to H.B. 4—"An Act to provide for

the redemption of the funded indebtedness of Gallatin Co. Hickman introduced C.B. 21—"An Act concerning fire insurance Companies and Agents". C.B. No. 4—"An Act to provide for funding the outstanding 12 per cent bonds of Jefferson Co. M.T." and C.B. 14—"An Act to authorize the Governor to contract for the keeping and maintaining of the Territorial Convicts in the U.S. Penitentiary at Deer Lodge" have passed the Council and are transmitted.

Respectfully
Harry R. Comly
Chief Clerk

Mr. McCormick from the Ways and Means Committee made the following report on H.B. No. 23.

Mr. Speaker,

Your Committee on Ways and Means to which was referred H.B. No. 23—"An Act to establish and regulate the fees of Treasurers" have had the same under consideration and beg leave to report the same back to the House with the following amendments to wit: Amend Section one by striking out the word "four (4)" in line four and insert in lieu thereof the word "six". Also amend Section one (1) by striking out the word "and" in line seven (7) and insert in lieu thereof the word "or", also amend Section one by striking out all of lines nine (9), ten (10), eleven (11) and twelve (12) beginning at and including the word "for" in line nine (9) and to and including the word "mile" at the end of line 12, also by inserting after the word "Treasurers" in line thirty two (32) the words "Now or". With these amendments your Committee recommend that the bill do pass.

McCormick
Chairman

Mr. Sanders moved that the House do not concur in Sec. 10 of Council Amendments to H.B. No. 5—"An Act to enable the County of Gallatin to erect a Court House and Jail" and that the Council be requested to recede from the same which motion prevailed.

On motion of Mr. McCormick all other amendments by the Council to said H.B. No. 5 were concurred in.

H.B. No. 29—"An Act for the relief of A.C. Botkin" reported from the Committee on Ways and Means being before the House for Amendment on commitment. Mr. Sanders moved to amend by striking out the words "twenty five" and inserting "eighteen" in lieu thereof, upon which question the Ayes and Noes were called for when the Amendment was adopted by the following Vote.

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Fergus, Harrington, McElroy, Perkins, Robinson, Sanders, Thorpe, Wilson—15.

Noes—Edwards, Forbis, Hamilton, Marion, McCormick, Mood, Noyes, Steell, Stuart, Sweeney, Mr. Speaker—11.

Bill was ordered Engrossed.

On motion of Mr. Sanders the consideration of the Amendments recommended in report of Ways and Means Committee to H.B. No. 23—"An Act to establish and regulate the fees of Treasurers" was made the Special Order for half past two O'clock P.M.

The Committee on Agriculture and Manufactures reported as follows:

Mr. Speaker,

Your Committee on Agriculture and Manufactures to which was referred H.B. No. 25—"An Act to amend an Act in relation to Irrigation and Water-rights" have had the same under consideration and would beg leave to make the following report. We recommend that the words "thirty five (35)" where they occur in line one (1) be stricken out and "thirty four (34)" be inserted in lieu thereof with this amendment we recommend that the Bill do pass.

Mood
Chairman

On motion of Mr. Hamilton the Amendment recommended by the Committee was adopted. Mr. Sanders moved to further amend by inserting in line two of the "Proviso" after the word "appropriation" the words "thereafter made". Mr. Beach moved that the Bill and amendments be committed to a select committee of one Member from each County which motion prevailed and Mr. Speaker designated as such select committee.

Mr. Beach of Lewis and Clarke County.

Mr. Hamilton of Chouteau County.

Mr. Combs of Madison County.

Mr. Marion of Missoula County.

Mr. Thorpe of Meagher County.

Mr. Perkins of Gallatin County.

Mr. Cornick of Deer Lodge County.

Mr. Wilson of Jefferson County.

Mr. Barbour of Beaverhead County.

H.B. No. 4—"An Act to provide for the redemption of the funded indebtedness of Gallatin County" was ordered Enrolled.

C.B. No. 14—"An Act to authorize the Governor to contract for the keeping and maintaining of the Territorial Convicts in the U.S. Penitentiary at Deer Lodge" was read a 1st and 2nd time and Mr. Sanders moved to amend as follows: Insert at the close of and as part of Sec. 1—"And within 90 days before the time when such contract shall expire may renew the same on like terms for two years after the expiration of the contract herein provided for unless otherwise directed by law."

The Bill and the Amendment were referred to the Committee on Territorial Affairs.

C.B. No. 4—"An Act to provide for funding the outstanding 12 per cent Bonds of Jefferson Co. Mont." was read a 1st and 2nd time and referred to the Committee on Ways and Means.

Mr. Sweeney introduced H.B. No. 37—"An Act to provide compensation for the Fire Warden of the Town of Helena" which was read a 1st and 2nd time and on motion of Mr. Robinson was referred to a select Committee consisting of Members from Lewis and Clarke County.

Mr. Sweeney introduced H.J.M. No. 8—"In relation to Military Telegraph from Deadwood Dakota to Fort Ellis, Montana" which was read a 1st and 2nd time and referred to the Committee on Federal Relations.

By leave of the House Mr. Stuart offered the following Resolution.

Resolved: That the Committee on Territorial Affairs be instructed to enquire what sums have been received by the Territorial Treasurer for the labor of Territorial Convicts in the U.S. Penitentiary at Deer Lodge since the

Prison was first opened for the confinement of prisoners, giving the amounts received each year.

The Resolution was adopted.

On motion of Mr. Robinson the House took a Recess until 2 O'clock P.M.

2 O'clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

C.B. No. 11—"An Act concerning Notaries Public" reported from the Judiciary Committee with the recommendation that it do not pass, was read a 3rd time and lost by the following Vote. Those voting Aye were none. Those voting No were—Beach, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Marion, McCormick, McElroy, Mood, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker—22.

C.B. No. 1—"An Act concerning limitation" being before the House for a 3rd reading.

Mr. Sanders moved a call of the House. Roll called. Absent—Messrs. Barbour, Boardman, Harrington, and Noyes.

Sergeant-at-Arms was directed to bring in Absentees.

On motion of Mr. McCormick further proceedings under the Call were dispensed with.

Mr. Sanders moved to suspend the Rules and re-commit the Bill to the Judiciary Committee which motion was lost and the bill read a 3rd time and passed as follows:

Ayes—Barbour, Beach, Boyer, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker—18.

Noes—Boardman, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Sanders—8.

Title was agreed to.

H.B. No. 23—"An Act to establish and regulate the fees of Treasurers" being the Special Order for half past 2: P.M. was taken up and on motion of Mr. Edwards the amendments recommended in report of Ways and Means Committee were adopted and the bill was ordered engrossed for a 3rd reading.

On motion House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

NINETEENTH DAY

House of Representatives
January 21st 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

A communication from the Mont. Steam Navigation Company was read and Mr. Robinson moved that the communication be spread upon the Journal. Mr. McCormick moved to amend Mr. Robinson's motion by requesting the Clerk to return said Communication to the Board of Directors of the Upper Missouri River Navigation Company with the statement that the House of Representatives will be pleased to hear from the Director of said Company on any subject pertaining to their interests through the Executive of the Territory or by Petition.

Which Amendment prevailed. And the Clerk directed in accordance therewith.

On motion of Mr. Hamilton, Mr. Mood was granted leave of absence for the day.

The Committee on Printing reported as follows:

Mr. Speaker,

Your Committee on Printing to whom was referred H.B. No. 35—"An Act to amend an Act concerning Crimes and punishments" have examined the same and find it correctly printed.

Harrington
Chairman

The Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred substitute for H.B. No. 12—Entitled "Bounty Act" have examined the same and find it correctly engrossed.

Harrington
Chairman

Also as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred H.B. No. 9—"An Act in relation to Estray Horses for the benefit of Public Schools" have examined said bill and find the same correctly Engrossed.

Harrington
Chairman

Also as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred H.B. No. 36—"An Act to regulate the sale of intoxicating Liquors" have examined the same and find it correctly engrossed.

Mr. Forbis presented a Petition from Citizens of Deer Lodge County in regard to passage of "An Act providing for holding terms of Court at the Town of Butte and for establishing branch county offices there with records".

H.B. No. 35—"An Act to amend an Act concerning crimes and punishments" reported correctly printed was referred to the Committee on Judiciary.

The Committee on Printing reported as follows:

Mr. Speaker,

Your Committee on Printing to whom was referred H.B. No. 31—"To encourage the construction of Rail Roads in Montana" have examined the same and find it correctly printed.

Harrington
Chairman

The Committee on Grazing and Stock-growing reported as follows:

Mr. Speaker,

Your Committee on Grazing and Stock-growing to whom was referred H.B. No. 10 respectfully report the accompanying Substitute and recommend that the Substitute do pass.

Brooke
Chairman

On motion of Mr. McCormick the Substitute and bill accompanying the report were made the special order for half past ten O'clock, Feby 1st 1879 in Committee of the Whole.

The following Message was received from the Council.

Council Chamber
January 31st 1879

Mr. Speaker,

I am directed by the Council to inform the House that the Council has receded from its amendment of "Sec. 10" to H.B. No. 5. That the Governor has approved C.B. 16—"An Act to change the name of Sarah A. Merrill to Sarah A. Murdock". That Ives gave notice of the introduction of a Bill for An Act imposing a tax and prescribing the mode of collecting the same on the privilege of selling Wine, Ardent Spirits or Malt Liquors within the limits of the Territory of Montana".

Respectfully
Harry R. Comly
Chief Clerk

The Committee on Towns and Counties reported as follows:

Mr. Speaker,

Your Committee on Towns and Counties to which was referred H.B. No. 26—with amendment, "An Act to establish Courts of Justice and Branch County Offices at Butte" beg leave to report that they have had such bill and the amendment thereto under consideration.

That the Amendment as offered is too crude, ambiguous and uncertain in respect to limits and boundaries and contains no provision for the

organization of a County. Wherefore your Committee recommend that the amendment be not adopted. And do further recommend that said original bill do not pass.

E. Beach
H.H. Mood
E. Wilson
George Steell

On motion of Mr. Sanders the consideration of the Bill was made the special order for 11:30 O'clock A.M. Feby 1st 1879 in Committee of the Whole.

Mr. Beach reported as follows:

Mr. Speaker,

Your Select Committee to whom was referred House Bill Number thirty seven—"An Act to provide for the Fire Warden of the Town of Helena" have had the same under consideration and recommend that the same be amended by inserting before the word "fire" in line 17 being line 11 of Sec. 1 of the Bill the word "the" also that Section 2 be stricken out.

Beach
Chairman

The amendment recommended was adopted and the Bill was ordered Engrossed.

The Committee on Enrollment reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that C.B. No. 8—"An Act to consolidate the County Offices of Beaverhead and Custer Counties" has been examined and compared said bill and find the same correctly Enrolled.

Forbis

Mr. Robinson moved that the House reconsider the vote by which C.B. No. 1—"An Act concerning limitations" was passed which motion Mr. Sweeney moved to lay on the Table and the Ayes and Noes being called for the motion to lay on the Table was lost as follows:

Ayes—Hamilton, Marion, McElroy, Noyes, Steell, Sweeney, Mr. Speaker—7.

Noes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Harrington, McCormick, Perkins, Robinson, Sanders, Stuart, Thorpe, Wilson—18.

Absent with leave, Mr. Mood.

Mr. McCormick moved a call of the House. Roll called. Absent—Mr. Noyes. Absent with leave, Mr. Mood. The Sergeant-at-Arms was directed to bring in Absentee.

On motion of Mr. McCormick further proceedings under the call of the House were dispensed with. The Ayes and Noes were then called on the motion of Mr. Robinson which prevailed by the following vote.

Ayes—Boardman, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Harrington, McCormick, Perkins, Robinson, Sanders, Stuart, Thorpe—14.

Noes—Barbour, Beach, Boyer, Hamilton, Marion, McElroy, Steell, Sweeney, Wilson, Mr. Speaker—10.

Absent, Mr. Noyes. Absent with leave, Mr. Mood.

On motion of Mr. McCormick the Clerk was instructed to request the return of C.B. No. 1 from the Council.

By leave of the House Mr. Sanders introduced H.J.R. No. 4—"In relation to new Military Department" which was read a 1st and 2nd time and on motion of Mr. McCormick the Rules were suspended. The resolution considered engrossed, read a 3rd time by title and passed by the following vote:

Those voting Aye were: Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker—25. Those voting no were none. Absent with leave, Mr. Mood.

Title agreed to.

On motion the House took a Recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed. Mr. Speaker in the Chair.

Roll Called—Quorum present.

H.B. No. 5—"An Act to enable the County of Gallatin to erect a Court House and Jail" returned from the Council with notice that Council has receded from Amendment No. 10 thereto—was ordered enrolled.

Mr. Sanders introduced H.B. No. 38—"An Act to amend the Helena Incorporation Act" which was read a 1st and 2nd time and referred to a select Committee consisting of the 3 Members of the House from the town of Helena.

H.B. No. 36—"An Act to regulate the sale of Liquors" was read a 3rd time and passed as follows: Those voting Aye were: Barbour, Beach, Boardman, Brooke, Combs, Cornick, Edwards, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Perkins, Sanders, Stuart, Sweeney, Thorpe, Mr. Speaker—19. Those voting No were: Messrs. Boyer, Fergus, Noyes, Wilson—4. Absent—Messrs. Robinson and Steell. Absent with leave, Mr. Mood.

Title was amended to read "An Act concerning the sale of Intoxicating Liquors".

H.B. No. 12—Entitled "Bounty Act" was read a 3rd time and passed.

Ayes—Barbour, Beach, Boyer, Brooke, Combs, Cornick, Harrington, McCormick, McElroy, Perkins, Steell, Stuart, Thorpe, Wilson—14.

Noes—Boardman, Edwards, Fergus, Forbis, Hamilton, Marion, Noyes, Robinson, Sanders, Sweeney, Mr. Speaker—11.

Absent with leave, Mr. Mood.

On motion of Mr. Sanders the Title was amended to read as follows: "An Act prescribing a bounty for the destruction of certain animals."

House Bill No. 9—"An Act in relation to Estray Horses for the benefit of Public Schools" being before the House for a 3rd reading. Mr. Brooke moved to suspend the Rules and recommit the Bill to the Committee on Education and Labor.

Mr. Thorpe moved to amend the Motion by substituting Committee on Grazing and Stock-growing which amendment was accepted. The motion prevailed and the Bill was so referred.

The hour of 2:30 P.M. having arrived the House proceeded to the consideration of the Resolution of Mr. Forbis in regard to House Rule No. 8, the special order for that hour.

Mr. Forbis in the Chair

Mr. Beach moved the indefinite postponement of the Resolution which motion prevailed.

Mr. Speaker in the Chair.

The following Message was received from the Council.

Council Chamber
January 31st 1879

Mr. Speaker,

I am directed by the Council to inform the House that H.J.R. No. 4 has passed the Council. That the Council in compliance with the request of the House herewith returns C.B. No. 1—"An Act concerning limitations".

Respectfully
Harry R. Comly
Chief Clerk

Also the following:

Council Chamber
January 31st 1879

Mr. Speaker,

I am directed by the Council to inform the House that C.B. 19—"An Act to provide for the support and maintenance of the Philipsburg Fire Department" has passed the Council and is transmitted.

Respectfully
Harry R. Comly
Chief Clerk

On motion of Mr. Sanders C.B. No. 1—"An Act concerning limitations" returned from the Council was recommitted to the Judiciary Committee.

H.J.R. No. 4 returned from the Council was ordered Enrolled.

Mr. Thorpe moved that the House do now adjourn which motion was lost.

Mr. Stuart moved to reconsider the vote by which H.B. No. 12—"An Act prescribing a bounty for the destruction of certain animals" was passed, which motion prevailed and on motion of Mr. McCormick the Rules were suspended and the Bill recommitted to the Committee on Grazing and Stock-growing with instructions to amend Bill by excepting from its operation the Counties of Custer and Chouteau.

Mr. Steell moved that the House do now adjourn which motion was lost.

At 3 O'clock P.M. House proceeded to the consideration of Resolution of Mr. Noyes in regard to adjournment sine die, the special order for that hour.

Mr. Fergus in the Chair.

Mr. Speaker in the Chair.

Mr. Noyes moved that the Resolution fixing time of adjournment sine die, be indefinitely postponed which motion prevailed.

The Committee on Enrollment reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that they have examined H.J.R. No. 4 and find the same correctly Enrolled.

Forbis
Chairman

Mr. Speaker announced that he was about to sign H.J. Resolution No. 4.

Mr. Forbis moved that House do now adjourn upon which the Ayes and Noes were called for and the motion was carried as follows:

Ayes—Barbour, Beach, Boyer, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Noyes, Perkins, Robinson, Sanders, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker—19.

Noes—Boardman, Brooke, Marion, McCormick, Steell—5. Absent, McElroy. Absent on leave, Mood.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

TWENTIETH DAY

House of Representatives
February 1st 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The Committee on Territorial Affairs reported as follows:

Mr. Speaker,

Your Committee on Territorial Affairs to whom was referred H.B. No. 28—Entitled "An Act for the relief of St. John's Hospital" beg leave to report. That it has had the same under consideration and has spent considerable time seeking for and getting the following facts in regard to the Bill. 1st. That William Coppie was a roving character traveling through Madison, Meagher and Jefferson Counties was convicted of Grand Larceny in the latter County and sentenced to Penitentiary for one year which time he served or was pardoned. In attempting to cross the "Main Range" was caught in a storm and badly frozen necessitating the amputation of a portion of both feet. He was taken care of by the people of Deer Lodge County for some time and was donated money by them to enable him to come to Helena, Lewis and Clarke County where he remained several months at the Hospital. Being cared for at that institution until he was in condition to travel. He raised a subscription in the Town of Helena from which he reserved traveling expenses to California and paid the remainder \$79.00 to St. John's Hospital leaving a balance in favor of that institution of \$150.00. Which sum your Committee would recommend be paid by the Territory.

Your Committee also find that Charles Smith who was not identified with any particular County had been an inmate of the Hospital on three occasions. The first time he paid the bill himself. The second the charges were paid by Gilmer and Salisbury in whose employment he had been. The third time he was afflicted (and which resulted in his death) he had been cared for in the Hospital until that event transpired. The charges for said attendance amounting to \$134.50 remain unpaid. Your Committee would recommend on account of the complicated condition of the matter that it be paid by the Territory.

Sweeney
Chairman

The report on the bill was on motion adopted and the Bill ordered Engrossed for a 3rd reading.

The Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred H.B. No. 39—"An Act for the relief of A.C. Botkin" with amendment thereto have examined the same and find it correctly engrossed.

Harrington
Chairman

The Committee on Federal Relations reported as follows:

Mr. Speaker,

Your Committee on Federal Relations to which was referred House Joint Memorial No. 7, to the Secretary of the Interior, asking for right to drive cattle across the Crow Indian Reservation, have had the same under consideration and beg leave to report it back to the House with a Substitute and with the recommendation that said Substitute do pass.

Stuart
Chairman

The Substitute reported was read a 1st and 2nd time and Mr. Sanders moved to suspend the Rules, consider the Substitute for H.J.M. No. 7, engrossed and put it upon its final passage which motion prevailed. The Memorial was read a 3rd time by Title and passed by the following Vote: Those voting Aye were: Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McElroy, Noyes, Perkins, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker—23. Noes:none. Absent: Messrs. McCormick, Robinson, Mood.

Title was agreed to.

The hour of half past ten A.M. having arrived the House proceeded to the consideration of the Substitute for H.B. No. 10— "An Act to protect game, fish and fur bearing animals" being the special order for that hour in Committee of the Whole.

Mr. Stuart in the Chair.

House resumed. Mr. Speaker in the Chair.

On motion of Mr. Robinson the House took a Recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Mr. Forbis introduced H.B. No. 39—"An Act to enable the people of Butte to erect a School House" which was read a 1st and 2nd time and referred to the four Members of the House from the town of Butte.

C.B. No. 19—"An Act to provide for the support and maintenance of the Philipsburg Fire Department" was read a 1st and 2nd time and referred to the Committee on Towns and Counties.

H.B. No. 29—"An Act for the relief of A.C. Botkin" was read a 3rd time and passed by the following vote: Those voting Aye were: Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Sweeney, Wilson, Mr. Speaker—22. Those voting No were: Mr. Thorpe. Absent: Edwards, McElroy, Stuart.

Title was agreed to.

Mr. Sanders moved to defer the consideration of H.B. No. 26—"An Act to provide for holding terms of District and Probate Courts at the town of Butte, Deer Lodge Co., M.T. and to establish branch Co. Offices in the town of Butte with records" by a Committee of the Whole until 2:30 P.M. Feby 3rd. Mr.

Forbis moved to amend by making its consideration the special order for said hour in the House which motion prevailed.

On motion of Mr. Barbour the House adjourned until 10 O'clock A.M. Feby 3rd 1879.

Samuel Word
Speaker House Representatives

TWENTY SECOND DAY

House of Representatives
Feby 3rd 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

On motion of Mr. McCormick the Rev. Mr. Gilbert, Chaplain was granted leave of absence for the day.

Journal of Twentieth day read and approved.

Mr. Speaker laid before the House the following communication.

Missoula Montana
January 31st 1879

Hon. Sam Word

Speaker, House of Representatives, Helena

Sir,

I have the honor to hand you herewith a report relative to the financial condition of Missoula County called for by the Resolution which passed the Legislature on the 22nd instant.

I am very Respectfully
Frank H. Woody
Co. Clerk

The report accompanying communication was as follows:

Hon. Samuel Word

Speaker, House of Representatives, Montana Territory

Sir,

In compliance with the resolution passed by the House of Representatives and concurred in by the Council on the 22nd of January A.D. 1879. I have the honor to submit the following report relative to the financial condition of Missoula County.

First—The amount of County Bonds outstanding and

over due is	\$21,900.97
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Interest due on same above	1,600.00
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Total	\$23,500.97
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These Bonds bear interest at the rate of 15% per annum, payable semi-annually, and were issued under the Act of the Legislature, approved November 22nd 1867.

Second—The amount of County Bonds outstanding and not yet due is

	\$10,900.00
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The amount of interest over
due on same

900.00

Total	\$11,800.00
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These bonds were issued under a Special Act of the Legislature approved January 24th 1876.

Third—The amount of Warrants outstanding on the various Funds and which bear interest is as follows:

General or County Fund	49,540.52
Contingent do	8,398.88
Poor do	3,228.65
Road & Bridge Purchase do	4,091.30
Road Fund	2,481.38
Total	<u>\$ 67,740.73</u>
Amount Interest due on same	31,783.75
Total	<u>\$ 99,524.48</u>

The above Warrants bear interest at the rate of 10% per Annum.

Fourth—The Warrants, outstanding that do not bear interest, are as follows:

General or County Fund	490.75
Contingent	18.50
Poor Fund	2,904.25
Current Expense Fund	4,506.31
General Road (Can'on) Fund	18.50
	<u>\$ 7,938.31</u>

Fifth—The amount of money received into the County Treasury for County purposes from all sources from December 1st 1877 to December 1st 1878 that being the end of the Fiscal year was as follows:

General or County Fund	
Taxes Collected	685.31
60% of License	1,689.00
Contingent Fund	
Sinking Fund (for payment of interest)	
Bridge and Road Purchase Fund	
Poor Fund, Property tax	1,958.89
Per Capita Tax From Assessor	<u>340.00</u>
Road Fund	759.88
School Fund Property Tax	1,958.86
Fines collected	<u>278.00</u>
Current expense Fund	3,932.20
General Road (Can'on)	930.33
Redemption Fund, Act Feby 16th 1877	1,958.92
Floating Bond Interest Fund	<u>1,243.22</u>
	<u>\$23,570.14</u>

Sixth—The amount of money in the County Treasury to the credit of the various funds of the County is as follows:

General Fund	\$3,339.25
Redemption do	1,213.71
Sinking do	42.26
Floating Bond Interest	1,188.59
Poor Fund	757.64
General Road (Can'on)	181.18
Current Expense	142.89

Road	303.91
Contingent	510.74
District Attorneys fees	120.00
Redemption (Act Feby 16th 1877)	1,853.25
School	2,236.36
Bridge and Road Purchase Fund	338.42

Total	\$ 12,108.20
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Deduct amount of School Fund	2,236.36
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Amount applicable to payment of debt	\$ 9,871.84
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Seventh—The amount disbursed during the year 1878—for the prosecution and punishment of criminals. This is a difficult question to answer correctly for the reason that Jurors were summoned and transacted both civil and criminal business and it is difficult to separate the time that they were engaged in trying civil suits, from the time they were engaged in the trial of criminal cases, but, as there was but little civil business transacted during the year, and as a large number of Jurors were in attendance at the November term of Court 1878, summoned for criminal cases. I have thought best to include the entire Court expenses for the year 1878 which I do as follows:

Grand Jurors per diem & Mileage	830.00
Trial Jurors per diem & Mileage	1,105.40
Sheriffs Fees	1,213.45
Jailors Fees	99.39
Justices fees in criminal cases	44.20
Witnesses before Grand Jury	320.00
District Attorneys fees	120.00
Clerks fees District Court (criminal cases)	141.90
Board of Prisoners	198.95
Interpreter	3.80

Total	\$ 4,168.09
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Recapitulation	
15% Bonds overdue	\$ 21,900.97
Overdue interest on same	1,600.00
10% Bonds not due	10,900.00
Interest bearing Warrants outstanding	67,740.73
Interest due on same to Dec. 16th 1878	31,783.75
Warrants outstanding not bearing interest	7,938.31
Total debt outstanding	\$142,763.76
Deduct money in the different funds	9,871.84
Total liabilities of the County on the 16th Dec 1878	\$132,891.92

I neglected to state when the outstanding 10% Bonds would become due. They will become due as follows:

\$ 1,900.00 will become due on Sept 1st 1886
1,600.00 will become due on March 1st 1887
7,400.00 will become due on June 15th 1887
<u>\$10,900.00</u>

The expenses of the County from Dec. 1st 1877 to Dec. 1st 1878 were as follows:

Current Expense	\$ 7,812.36
Care of Poor	1,462.25
Work on Can'on Road	1,469.82
Total	<hr/> \$10,742.43

The foregoing report is intended to show the condition of the Finances of Missoula County on Dec. 16th 1878, since which time but little change has taken place, except that most of the money reported on hand at that date has been paid out in the redemption of County Warrants.

Signed
January 31st 1879

All of which is respectfully submitted
Frank H. Woody
County Clerk
Missoula County

The report was referred to the Committee on Ways and Means.

Mr. Robinson presented a Petition from Citizens of Deer Lodge Co. in relation to exempting Rail Roads from taxation.

The Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred H.B. No. 37—A Bill for "An Act to provide Compensation for the Fire Warden for the Town of Helena" with Amendments have examined the same and find it correctly engrossed.

Harrington
Chairman

Also as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred H.B. No. 28—A Bill for "An Act for the relief of St. Johns Hospital" have examined the same and find it correctly Engrossed.

Harrington
Chairman

The Committee on Federal Relations reported as follows:

Mr. Speaker,

Your Committee on Federal Relations to which was referred House Joint Memorial No. 8—"In relation to Military Telegraph from Deadwood Dakota to Fort Ellis Montana" have had the same under consideration and would recommend that it be amended by adding to the end of the same the following.

"And your memorialists would further respectfully represent the necessity of the construction of a branch of said Telegraph by way of Fort Missoula and Spokane Bridge to Fort Walla Walla, which would enable the military to have timely notice of any uprising among the tribes of Indians in Washington and Idaho Territories and also in Western Montana and thus be enable to prevent such hostile bands from entering and passing through our settlements, as did the Nez Perces in 1877. And a portion of the Bannacks in 1878. And your memorialists will every pray" And as thus amended would recommend that the Memorial do pass.

Stuart
Chairman

On motion of Mr. Boardman the amendments recommended were adopted.

Mr. Hamilton moved that the Memorial and Amendments be recommitted to the Committee on Federal Relations which motion prevailed and they were so recommitted.

The Committee on Grazing and Stock-growing reported as follows:

Mr. Speaker,

Your Committee on Grazing and Stock-growing to whom was referred H.B. No. 12 report the same back with the Amendments as ordered and with Amendment recommend that it do pass.

Brooke
Chairman

Mr. Sanders moved that the Rules be suspended and the bill as amended by the Committee on Grazing and Stock-growing be considered engrossed, which motion prevailed and the Bill was placed on file for a 3rd reading.

The Judiciary Committee reported as follows:

Mr. Speaker,

The Judiciary Committee to which was referred C.B. No. 13—A Bill for "An Act prescribing the penalty for murder" beg leave to report that it has had said Bill under consideration, and recommend that the same do pass.

J.C. Robinson
Chairman

Mr. Sanders made the following Minority report from the Judiciary Committee.

Mr. Speaker,

The Undersigned a Minority of your Committee on the Judiciary, to which was referred C.B. No. 13—A Bill for "An Act prescribing the penalty for Murder" are of the opinion that the humane considerations which dictate the legislation contemplated in this bill are such as ought not wholly to control the action of the members of the House in acting thereon. Montana has finally and pretty fully emerged from the condition of affairs, which punished crime by voluntary organizations, but this result has been brought about by slow processes and against no inconsiderable opposition. The advantages of the argument have been with those who have sought to maintain the authority of the Judicial Tribunals in that the penalties for murder were severe and the punishment certain. If the punishment is made inadequate to the view of any considerable number of our people, the temptation to visit swift and unauthorized vengeance on the guilty in moments of excitement, such as immediately follows the perpetration of murder in the first degree is greatly increased and we are of the opinion that the time has not yet arrived when such legislation is useful. The authority reposed in the Executive Department to commute sentences is in the view of a minority of your Committee a sufficient protection against injustice to Criminals and we recommend that the Bill do not pass. All of which is respectfully submitted.

W.F. Sanders
W.T. Boardman

Mr. Robinson moved that the majority report from the Judiciary Committee on C.B. 13 be adopted which motion was lost.

The following report of the Judiciary Committee on H.B. No. 17 was received.

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 17—A bill for "An Act to establish the fees of District Attorneys" beg leave to report that it has had said bill under consideration and recommend that the same be amended as follows. By striking out the words "And all sums over five hundred dollars five per cent thereof" in subdivision 2 of section 1 and in lieu thereof insert as follows, to wit: "And on all sums over five hundred dollars and not exceeding fifteen hundred, five per cent on such sums, exceeding five hundred dollars and all sums over fifteen hundred dollars." And amend the 3rd Subdivision of said Sec 1 by inserting after the word "appeal" the words "to the Supreme Court". And strike out the word "ten" and insert in lieu thereof the word "five" in said 3rd Subdivision Sec 1. And strike out the words "and away from his place of residence" and insert in lieu thereof the words "and out of the County where he resides". And add to Section 1 thereof as follows: "In each conviction of a Misdemeanor in Justices Probate or District Court where said Attorney or his deputy appears in person to be collected out of the defendant on conviction ten dollars but in no case shall the same be a charge against the County or Territory."

And amend Section 2 by adding thereto the following, "Nor by any Territorial officer except as specifically provided for in this act".

All of which is respectfully submitted.

Robinson
Chairman

The amendments recommended by the Committee were on motion of Mr. McCormick adopted.

Mr. Hamilton offered the following Amendment to the Bill, "That the Act shall take effect & be in force from and after the 3rd Monday in December 1881." Upon which Amendment the Ayes and Noes were called for when the Amendment was lost by the following vote. Those voting Aye were: Hamilton, Marion, McElroy—3. Those voting No were: Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Harrington, McCormick, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Wilson, Mr. Speaker—22. Absent: Mr. Thorpe.

The Bill was then ordered Engrossed.

The Judiciary Committee reported as follows:

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 7—A bill for "An Act to tax Jury fees" beg leave to report that it has considered said bill and report a Substitute therefore herewith accompanying, which they recommend do pass.

Robinson
Chairman

Mr. Hamilton moved that the Bill and the Substitute reported by the Committee be referred to a select Committee consisting of one Member from each County. Mr. Hamilton moved a call of the House. Roll called. Absent—Messrs. Beach and Boardman.

On motion further proceedings under the Call of the House were dispensed with.

The motion to commit the Bill & Substitute to a Select Committee was carried and, Mr. Speaker designated as such Committee.

Mr. Robinson of Deer Lodge Co., Mr. Sanders of Lewis and Clarke, Mr. Brooke of Jefferson, Mr. Marion of Missoula, Mr. Edwards of Gallatin, Mr. Mood of Madison County, Mr. Thorpe of Meagher County, Mr. Barbour of Beaverhead County, Mr. Hamilton of Chouteau County.

On motion the House took a Recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

The following Communication was received from the Governor.

Montana Territory
Executive Department
Helena February 3rd 1879

To the Legislative Assembly,

I have the honor to submit for your information a report of pardons granted by this office during the two years last past, with the reasons therefor.

George W. Rea

Crime—Murder in the second degree.

Sentenced to imprisonment in the Penitentiary for the period of fifteen years, at the March term of the District Court in Gallatin County 1875. Pardoned February 9, 1877, upon condition that he forever abstain from the use of intoxicating liquor. Pardon recommended by Bishop D.S. Tuttle, Rev. M.N. Gilbert, thirty two citizens of Olean N.Y. and 305 citizens of Montana Territory.

James Thompson

Crime—Assault with intent to Murder.

Sentenced to imprisonment in Penitentiary at the February term of District Court 1874, in Jefferson County for the period of seven years. Pardoned upon condition that he at once depart from the Territory and never return. Pardon granted July 18th 1877, upon the recommendation of Hons. Wm H. Claggett, Samuel Word, and Samuel Langhorn, Dr. A.H. Mitchell, W.W. Dixon and John H. Shober Esqrs. and J.M. Fish Warden of the Prison. The Physician of the Prison certified that longer confinement would result in the entire destruction of his health, and that he would die before the expiration of his sentence.

Christian E. Humphreys

Crime—Assault and Battery.

Sentenced by Esq. Wiles, Justice of the Peace to imprisonment in the jail of Deer Lodge County, for the period of six months. Pardoned Feb 26, 1878, upon the representations of his Wife and 221 Citizens of Deer Lodge County.

John McDonald

Crime—Assault with intent to kill.

Sentenced to imprisonment in the Penitentiary for the period of one year, at the October term of the District Court 1877 in Gallatin County. Pardon granted May 18, 1878 on the recommendation of Judge Blake, Hon. I.G. Spratt, District Attorney and 25 other citizens of the Territory.

S.J. Perkins

Crime—Assault with intent to Murder.

Sentenced at June term of District Court 1875 in Lewis and Clarke County, to imprisonment in the Penitentiary for the term of five years. Pardon granted July 23, 1878 on the recommendation of Hon. D.S. Wade, Chief Justice, Hon. J.K. Toole, District Attorney, W.F. Wheeler, U.S. Marshal, and 12 other citizens of the Territory, and because of the failing health of the convict, from confinement in prison. His pardon was granted upon condition that he would at once depart from the Territory and never return.

George W. Bostwick

Crime—Forgery.

Sentenced at November term of the District Court 1878, in Lewis and Clarke County to confinement in the Penitentiary for the period of one year. Pardon granted November 23, 1878, upon the recommendation of Hon. D.S. Wade, Chief Justice, who tried the case, Hon. J.K. Toole, District Attorney, the Citizens of Helena whose paper was forged, and Dr. Thompson and others of Salt Lake City.

John Kaveney

Crime—Forgery.

Sentenced at the October term of the District Court of Beaverhead County 1878 to confinement in the Penitentiary for the period of one year. Pardon granted Jan 18 1879 upon the recommendation of Hon. Hiram Knowles, Judge who tried the case, Hon. H.E. Mayhew, District Attorney, who prosecuted the Case, and C.W. Turner Esq. who defended the prisoner. It was shown that the Convict had a wife and two small children dependent on his labor for support. The pardon was granted upon condition that the Convict would forever abstain from the use of intoxicating liquors.

Addison O. Toncray

Crime—Petit Larceny.

Sentenced by Esq. Bateman of Lewis and Clarke County in January 1879, to imprisonment in County Jail of said County for the period of three months. Pardon granted Jan 22 1879, upon the request of the Board of County Commissioners of said County.

Respectfully
B.F. Potts

The following notices of the introduction of Bills were given.

By Mr. McCormick,

A bill to appropriate the sum of One thousand dollars to remove a portion of the "Great Falls" on Clarks fork of the Columbia River, sometimes called the Pend-O-Reille River.

By Mr. Sanders,

A bill for An Act providing for the custody and care of the "Territorial Library".

Also,

A bill for An Act concerning certain licenses.

Also,

A bill for An Act authorizing the payment of certain expenses.

By Mr. Forbis,

A bill for An Act to amend Sec. 145 of An Act concerning crimes and punishments approved Jan 12th 1872.

By Mr. Cornick,

A bill for An Act in relation to exemptions.

By Mr. Harrington,

A bill for An Act to provide for keeping the Records of District Courts at the County Seats of the Counties where such Courts are held.

By consent of the House, Mr. McCormick without previous notice introduced H.B. No. 44—"An Act in regard to Insolvent Debtors".

Mr. Sanders by unanimous consent introduced without previous notice H.B. No. 43—"An Act to provide for the payment of certain expenses."

The following Message was received from the Council.

Council Chamber
Feb'y 3rd 1879

Mr. Speaker,

I am directed by the Council to inform the House that the following notices have been given. By Hyde, An Act to compensate Attorneys at Law for public services. By Hickman, An Act to authorize Administrators of Estates of deceased persons, unclaimed by heirs to sell real estate and pay proceeds into the Territorial Treasury. That Sedman introduced C.B. 23—"An Act to amend an Act providing for the collection of Revenue" which was ordered printed. The following bills have passed the Council and are transmitted. H.B. 29—"An Act for the relief of A.C. Botkin." C.B. 12—"An Act to enlarge homesteads." C.B. 17—"An Act to Amend Secs 535 & 555 of the Act relating to Probate Courts & Estates of deceased persons, Approved Feb'y 9th 1887." That H.B. 36—"An Act to regulate the sale of Intoxicating liquors" was read 3rd time and lost and Sedman gave notice of a motion to reconsider the vote by which the same was lost. That in absence of Mr. President the Council elected Mr. Hays President Pro tem.

Respectfully
Harry R. Comly
Chief Clerk

Mr. Beach moved that the report in regard to the finances of Missoula County be ordered printed which motion prevailed and on motion of Mr. Beach the Report was recalled from the Committee on Ways and Means and referred to the Committee on Printing.

H.B. No. 29—"An Act for the relief of A.C. Botkin," returned from the Council with notice of passage, was ordered Enrolled.

C.B. No. 12—"An Act to enlarge Homesteads" was read a 1st and 2nd time and referred to the Committee on Judiciary.

Mr. Noyes introduced H.B. No. 41—"An Act to provide for the payment by Deer Lodge County of certain expenses incurred during the Nez Perce War of 1877" which was read a 1st and 2nd time and referred to a select Committee consisting of the Members from Deer Lodge County.

Mr. Sanders moved the following Amendment. Strike out after the Enacting Clause all of said bill and insert in lieu thereof the following.

Sec. 2.—That _____ and _____ be and they are hereby appointed to be and are declared to be the Commissioners of said County until an Election shall be held pursuant to law, and their successors are elected and qualified, and they or a majority of them are hereby authorized and required within thirty days from the approval of this Act to appoint the other county officers of said County. And an Election shall be held in said County for the Election of County Officers on the 2nd Tuesday in May 1879, which shall be conducted in all respects as is required by the general Election laws of the Territory of Montana.

Mr. Forbis moved to suspend the Rules, that the Bill be considered Engrossed, read a 3rd time by Title and placed upon its final passage, which motion prevailed, when the Bill was lost by the following vote.

Those voting No were: Barbour, Beach, Boyer, Brooke, Combs, Edwards, Fergus, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 23.

H.B. No. 42—"An Act to provide compensation for the Clerks of the District Courts" introduced by the Judiciary Committee was read a 1st and 2nd time. And Mr. Sanders moved to amend by adding to Sec. 5 as follows:

The moneys so paid to the Clerk or his Deputy, shall be by him forthwith paid into the County Treasury to the credit of the General Fund thereof. The amendment was adopted and the bill referred to Committee on Printing.

H.B. No. 43—"An Act to provide for the payment of certain expenses" was read a 1st and 2nd time, and Mr. Sanders moved to amend as follows:

Insert after the word "presiding" in the last line but two of Sec. 1, the words "a warrant for said amount" which amendment was adopted, and the bill was committed to the Printing Committee.

H.B. No. 44—A bill for "An Act relating to Insolvent Debtors" introduced by Mr. McCormick was read a 1st and 2nd time and Mr. Sanders moved to amend as follows:

Strike out of Sec. 25, all after the word "act" also strike out "Probate Courts" and insert "District Courts" the Amendment was adopted and the bill as amended ordered printed.

Mr. Sanders introduced H.J.M. No. 9—"In relation to improvement of the Yellowstone and Upper Missouri Rivers" which was read a 1st and 2nd time and Mr. McCormick moved to suspend the Rules, consider the Memorial engrossed, read 3rd time by Title and place it upon its final passage, which motion prevailed and the Memorial was passed by the following vote. Those voting Aye were—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Stuart, Sweeney, Thorpe, Wilson, Mr. Seaker - 25. Noes—none. Absent Mr. Steell.

Title was agreed to.

On motion of Mr. McCormick the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

TWENTY THIRD DAY

House of Representatives
February 4th, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred H.B. No. 23—A bill for "An Act to establish and regulate the fees of Treasurers" with Amendments thereto, have examined the same and find it correctly engrossed as amended.

Harrington

Mr. McCormick from the Ways and Means Committee reported as follows:

Mr. Speaker,

Your Committee on Ways and Means to which was referred C.B. No. 3—"An Act to provide for the compensatin of Kerley, McQuaid & LaCroix" have had said bill under consideration and beg leave to report the same back to the House with the recommendation that it do pss.

McCormick
Chairman

The Committee on Education and Labor reported as follows:

Mr. Speaker,

Your Committee on Education and Labor to which was referred the Reports of the Historical Society of Montana for the year ending Dec 1st 1877, and the year ending Dec 1st 1878, have had the same under consideration and would report as follows. It is a source of gratificatiion that the efforts to preserve the History of the Territory was thus early inaugurated, and that the Society has been so fortunate in its accumulation of material of the early history of Montana, as it seems to have been during the past year. The purpose which the Society subserves is one of great public interest, and deserves the fostering care of the Legislative Assembly. The papers described in the report for 1878 as having been secured by the Society cannot fail to be of lasting benefit to all our citizens, who maintain an interest in the episodes of this Country before the Territory was settled or in the progress of these settlements which the Society so well may preserve. The Society does not appear to have availed itself of the small amount of proportion for 1878 accorded it by law. And your Committee would recommend that the Legislature do pass a joint Resolution providing for the payment of the same, and in as much as the publication of the volumes are somewhat expensive and burdensome to the Members who conducted its affairs at some considerable trouble and without pecuniary

reward. Your Committee is of the further opinion that the amount of the appropriation might be increased with the unanimous approval of the citizens and thereby add to the efficiency of the Society. All of which is respectfully submitted.

Thorpe
Chairman

The Committee on Territorial Affairs reported as follows:

Mr. Speaker,

Your Committee on Territorial Affairs which was instructed by Resolution to ascertain the amount received for Convict labor, submit as its report the accompanying communication of the Territorial Treasurer.

Sweeney
Chairman

The Communication referred to in report of the Committee was as follows:

Helena Montana January 29th 1879

To the Honorable Committee on Territorial Affairs of the House of Representatives.

Gentlemen,

In response to your inquiry as to what sums of money have been received by the Territorial Treasurer for the labor of Territorial Convicts for each year since the establishment of the Penitentiary at Deer Lodge, I have the honor to reply as follows:

Amount rec'd for labor of Convicts during 1872	\$ 92.00
Am't rec'd for labor of Convicts during 1873	156.75
Am't rec'd for labor of Convicts during 1874	2,429.14
Am't rec'd for labor of Convicts during 1875	1,008.05
Am't rec'd for labor of Convicts during 1876	583.00
Am't rec'd for labor of Convicts during 1877	102.88
Am't rec'd for labor of Convicts during 1878	403.67
Total	\$4,775.49

I have the honor to be
Very Respectfully yours
D.H. Weston
Ter't Treasurer

The Committee on Education and Labor made the following report.

Mr. Speaker,

Your Committee on Education and Labor to which was referred C.B. No. 17—A bill for "An Act to amend Section 535 & 555 of the Act relating to Probate Courts Estates of deceased persons approved Feby 9th 1877" would report the same back to the House with the recommendation that the bill do pass.

Thorpe
Chairman

Mr. Robinson from the Judiciary Committee reported as follows:

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 30—Bill for "An Act in relation to the fees of County Clerks" beg leave to report that it has

considered said bill and recommend the adoption of a Substitute therefor which is herewith reported and accompanying and which substitute said Committee recommend do pass.

Robinson
Chairman

Mr. Beach moved that the substitute reported together with the bill be referred to a select Committee to consist of one member from each County, which motion prevailed, and the bill and Substitute were so referred.

Mr. Speaker designated as such select Committee:

Mr. Beach of Lewis and Clarke Co.

Mr. Mood of Madison Co.

Mr. Forbis of Deer Lodge Co.

Mr. Wilson of Jefferson Co.

Mr. Marion of Missoula Co.

Mr. Perkins of Gallatin Co.

Mr. Barbour of Beaverhead Co.

Mr. Hamilton of Chouteau Co.

Mr. Thorpe of Meagher Co.

The Judiciary Committee made the following majority and minority reports on C.B. No. 1.

Mr. Speaker,

The Chairman of the Judiciary Committee to which was referred C.B. No. 1—A bill for "An Act concerning Limitations" beg leave to submit this as the report of said Chairman, that said Committee has considered said bill and owing to a contrariety of opinion as to said bill, the said Committee have been unable to arrive at any conclusion as to said bill, and the said Chairman would recommend that said bill be amended as follows:

Provided, that when the cause of action arose prior to the 1st day of August 1877, actions shall be commenced within the period prescribed by the Statutes in force at the time such cause of action arose and not otherwise and in all such actions such statutes and the period of limitation therein prescribed shall govern and apply and that when the cause of action arose subsequent to the 1st day of August 1877, and prior to the time this Act shall take effect actions named in this Act shall be commenced within the time prescribed by this Act and such time shall be computed from the time when an action could have been commenced: And when the cause of action shall accrue after the time this Act shall take effect such actions shall be commenced within the time prescribed in this Act which time of limitation shall be computed from the time such action could have been commenced. And with such Amendment said Chairman recommends that said bill do pass. All of which is respectfully submitted.

Robinson
Chairman

The minority report was as follows:

Mr. Speaker,

A Minority of your Committee on the Judiciary dissent from the report of the Chairman thereof on C.B. No. 1. We recommend that the bill be amended by adding to Sec. 1 of the bill the following. But this Act shall only apply to causes of action hereafter accruing. Also in Sec. 2 of the bill insert after the

word "are" the words "as to all causes of action hereafter accruing". And we recommend that the bill as so amended be reported back to the House without recommendation.

W.F. Sanders
John F. Forbis

The Committee on Federal Relations reported as follows:

Mr. Speaker,

Your Committee on Federal Relations to which was referred House Joint Memorial No. 8—"In relation to Military telegraph from Deadwood Dakota to Fort Ellis Montana" have had the same under consideration and would recommend that it be further amended by adding after the words "Capital of Montana to "Forts" in said memorial the word "Logan". And as thus amended would recommend that the memorial do pass.

Stuart
Chairman

On motion of Mr. Sanders the Amendments recommended were adopted and the Memorial was ordered engrossed.

Mr. Forbis presented the following report.

Mr. Speaker,

Your Select Committee consisting of the undersigned to whom was referred H.B. No. 39—Entitled "An Act to enable the People of Butte to erect a School House" beg leave to report that said Committee has had said bill under consideration, and recommend that said bill be amended by striking out the word "interest" in the last line of Section 2 of said bill and inserting in lieu thereof the word "principal" and with such amendment your Committee recommend that said bill do pass.

John F. Forbis
John Noyes
Samuel B. Cornick
W.R. Boardman

On motion the Amendment recommended was adopted and there being no objection the Clerk was directed to and did proceed to engross the said Amendment in the bill.

On motion of Mr. Forbis the Rules were suspended the Bill considered engrossed and placed on the calendar for 3rd reading.

The following notices of the introduction of bills were given.

By Mr. Hamilton,

An Act creating and organizing the Militia.

By Mr. Steell,

A Bill providing for Deputy Assessors.

By Mr. Marion,

A bill in relation to the reduction of fees of County Coroner.

By Mr. Mood,

A bill to amend Chapter five page 374—Codified Statutes.

H.B. No. 39—"An Act to enable the People of Butte to erect a School House" was read a 3rd time and Mr. Sanders moved to suspend the Rules and

re-commit the bill to the Committee of Members from Deer Lodge Co. with instructions to strike out 12% and insert 10% in lieu thereof which motion was lost. The Ayes and Noes were then called and the bill passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Combs, Cornick, Edwards, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Stuart, Sweeney, Wilson, Mr. Speaker - 22.

Those voting No were Brooke, Fergus, Steell, Thorpe - 4.

Title was agreed to.

H.B. No. 37—"An Act to provide for the Fire Warden for the town of Helena" was read a 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 26.

Noes—None.

Title was agreed to.

H.B. No. 28—"An Act for the relief of St. Johns Hospital" was read a 3rd time, and Mr. Robinson moved to suspend the "Rules" and recommit the Bill to Committee on Territorial Affairs. And the Ayes and Noes being called, the motion prevailed by the following vote.

Ayes—Beach, Boardman, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Harrington, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Wilson, Thorpe - 21.

Noes—Barbour, Boyer, Hamilton, Marion, Mr. Speaker - 5.

And the Bill was so re-committed.

H.B. No. 23—"An Act to establish and regulate the fees of Treasurers" was read a 3rd time pending a Vote on final passage of the Bill, the House took a Recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

The question being upon the final passage of H.B. No. 23. Mr. Hamilton moved a Call of the House. Roll called. Absent Mr. Barbour.

Mr. McCormick moved that further proceedings under the Call of the House be dispensed with which motion was lost. The Sergeant-at-Arms was directed to bring in Absentee.

On motion of Mr. McCormick further proceedings under the Call of the House were dispensed with. The Ayes and Noes were then called and H.B. No. 23 was passed by the following vote:

Ayes—Beach, Boardman, Boyer, Combs, Cornick, Edwards, Fergus, Harrington, McCormick, Mood, Perkins, Robinson, Sanders, Steell, Sweeney, Thorpe - 16.

Noes—Barbour, Brooke, Forbis, Hamilton, Marion, McElroy, Noyes, Stuart, Wilson, Mr. Speaker - 10.

Title was agreed to.

Mr. McCormick moved to reconsider the vote by which H.B. 23 was passed, which motion was upon motion of Mr. McCormick laid upon the Table by the following vote: Those voting Aye were: Beach, Boardman, Boyer, Combs, Cornick, Edwards, Fergus, Harrington, McCormick, Mood, Perkins, Sanders, Steell, Thorpe - 14. Those voting no were: Barbour, Brooke, Forbis, Hamilton, Marion, McElroy, Noyes, Robinson, Stuart, Sweeney, Wilson, Mr. Speaker - 12.

H.B. No. 12—"An Act prescribing a Bounty for the destruction of certain animals" was read a 3rd time and passed by the following vote.

Ayes—Beach, Boardman, Boyer, Brooke, Combs, Hamilton, Harrington, McCormick, McElroy, Mood, Perkins, Sanders, Steell, Stuart, Thorpe, Wilson, Mr. Speaker - 17.

Noes—Barbour, Cornick, Edwards, Fergus, Forbis, Marion, Noyes, Robinson, Sweeney - 9.

Title was agreed to.

The following Message was received from the Governor.

Territory of Montana
Executive Department
Helena February 4, 1879

To the Legislative Assembly,

I have the honor to transmit the report of the Judges of the Supreme Court, accounting for the appropriation for the purchase of Law Books in the years 1877-8. I beg to dissent from the Report in regard to the Territorial Library, in charge of the Auditor as Ex officio territorial Librarian. The law books in charge of the Judges, were purchased by the United States for the Supreme Court, and are the property of the General Government, except such additions as have been made by the territory. The Territorial Library contains several hundred volumes, and has been secured by the Territorial Auditor and others without cost to the Territory, and the use of the books has never been denied any citizens, much less, the Honorable Judges: Hence there can be no reason for the statement contained in the report, that the Judges would be compelled to purchase some books now in the territorial library. The Honorable Judges could not have been well advised upon the subject, or their report would not have contained the statement, that some of the books in the territorial library were designed by the donors for the Judges library. The care and custody of the territorial library under the direction of the Judges of the Supreme Court will involve a large expenditure of money annually, while, if the library remains as it now is, in charge of the territorial Auditor, no additional expenditure will be necessary. The books in charge of the territorial Auditor, are the property of the Territory, and should not pass from the control of the Officers of the same. The Judges, Attorneys and all other citizens have free, daily access to the library, in charge of the territorial Auditor. If the Judges have not sufficient room for the library in their charge, the Auditor is able to furnish ample accommodation, for the same without additional cost to the Territory.

Only one copy of this report having been furnished this Department the same is sent to the Council.

Respectfully
B.F. Potts

Mr. Speaker directed the Clerk to request from the Council the "Report" referred to in The Governor's communication.

H.J.M. No. 9—Asking additional improvements on the Yellowstone and Upper Missouri Rivers, and H.B. 36—"An Act concerning the sale of intoxicating liquors" were ordered Enrolled.

Mr. McCormick moved that the House concur in Council Amendments to H.B. No. 3—"An Act in relation to Swine" which motion was lost.

Mr. Sanders moved that the House disagree to the Council Amendments to said Bill upon which the Ayes and Noes were called and the motion prevailed by the following vote:

Ayes—Boardman, Boyer, Brooke, Cornick, Fergus, Harrington, Mood, Noyes, Perkins, Sanders, Sweeney, Thorpe, Wilson, Mr. Speaker - 14.

Noes—Barbour, Beach, Combs, Edwards, Forbis, Hamilton, Marion, McCormick, McElroy, Robinson, Steell, Stuart - 12.

Mr. Beach moved that the House request the Council to recede from Council Amendments to the Bill, which motion Mr. Sanders moved to lay upon the Table.

The motion to lay upon the table was lost.

The motion of Mr. Beach to request Council to recede from Amendments prevailed and the Clerk was directed to transmit such request to the Council.

C.B. No. 13—"An Act prescribing the penalty for Murder" was read a 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boyer, Combs, Cornick, Forbis, Hamilton, Marion, McCormick, Mood, Noyes, Perkins, Robinson - 13.

Noes—Boardman, Brooke, Edwards, Fergus, Harrington, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 12.

Title was agreed to.

The following Message was received from the Council.

Council Chambers
Feb'y 4th 1879

Mr. Speaker,

I am directed by the Council to inform the House that Kennon gave notice of "An Act to repeal Sec. 6 of an Act entitled an Act to provide for the collection of Revenue approved Jan. 12, 1872." That Hickman introduced C.B. 26—"An Act to amend Sections 158 and 340 of the Criminal practice Act".

Respectfully
Harry R. Comly
Chief Clerk

Also the following:

Council Chamber
Feb'y 4th 1879

Mr. Speaker,

I am directed by the Council to inform the House that Holter gave notice of the introduction of An Act to amend Sec. 10 of An Act entitled An Act concerning licenses approved Jan 10th 1872. The following Bills were introduced. By Ives, C.B. 24—"An Act imposing a tax and prescribing the mode of collecting the same on the privilege on selling wine, ardent spirits or malt liquors within the limits of this Territory". By Hyde, C.B. 25—"An Act to compensate Attorneys at law for Public services. The following have passed the Council and are transmitted—H.J.M. 9—Asking for additional improvements on the Yellowstone and Mo. Rivers, H.B. No. 3—"An Act in relation to Swine" with amendments, H.B. No. 36—"An Act to regulate the sale of intoxicating liquors".

Respectfully
Harry R. Comly
Chief Clerk

C.B. No. 17—"An Act to amend Sec. 535 and 555 of the Act relating to Probate Courts, Estates of deceased persons, approved Feby 9th 1877" was read a 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McElroy, Mood, Noyes, Perkins, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 24.

Noes—Robinson - 1.

Absent: Mr. McCormick.

Title was amended to read, "An Act relating to Escheated Estates".

C.B. No. 3—"An Act to provide for the compensation of Kerley, McQuaid and LaCroix" was on motion of Mr. Sanders re-committed to the Committee on Ways and Means.

The Committee on Enrollment reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that H.J.M. No. 4—In relation to confining Indians on Reservations also H.B. No. 5—"An Act to enable the County of Gallatin to erect a Court House and Jail."

Also H.J.M. No. 6—Requesting transfer of Indian Affairs to the War Department.

Also H.B. No. 16—"An Act concerning the County of Custer."

Also H.B. No. 29—"An Act for the relief of A.C. Botkin" and

Also H.B. No. 21—"An Act to change the name of "Sing On" to the name of George Taylor" has each been compared and examined and have been found correctly enrolled.

Forbis
Chairman

The Committee on Ways and Means made the following report.

Mr. Speaker,

A Majority of the Committee of Ways and Means to whom was referred H.B. No. 20 beg leave to make the following report. That after having given much time to the consideration of the bill, they are led to believe that the passage of

the bill will work injustice to a large majority of the tax payers of the Territory, from the fact that it imposes upon other industries burdens of taxation that should in all justice, and in conformity with our system of Government be borne by the enterprises which the passage of the bill will relieve from such burden, it is the opinion of a Majority of your Committee, that Mines the title of which is vested in any individual company or corporation, and all the capital invested in them together with all the improvements and appurtenances belonging to them, and the improvements upon and appurtenances belonging to any Mines, being worked by any Individual Company or corporation the title of which rests with the United States be taxed the same as any other property. Provided, that only on eight of the gross proceeds of any quartz Mine shall be subject to be listed for taxation. A Majority of your Committee would therefore respectfully recommend that the Bill do not pass.

C. Edwards
H.H. Mood
George Steell

Also the following minority report.

Mr. Speaker,

A minority of your Committee on Ways and Means to which was referred H.B. No. 20—"An Act to amend An Act entitled An Act to provide for the collection of the Revenue" have had the same under consideration and beg leave to make the following report. The bill before us provides in Section 1 that the ninth subdivision of Section three of the Act to which this is amendatory be amended so as to read as follows. Ninth. "Mines and mining claims and the minerals produced therefrom" this section if it were enacted into a law would not only exempt all mines and mining claims from very nature of the case unequal burdens upon the owners thereof, or its equivalent or shall a tax be levied and collected upon the net proceeds of the mines after deducting the actual cost of mining and milling the ores extracting the metals therefrom and converting the same into money or its equivalent. A minority of your committee are of the opinion that if a certain per cent of the gross proceeds of the mines were to be taxed that the effect would be to cripple if not destroy the quartz mining interest of our Territory. Quartz mining in Montana Territory is in its infancy and so far has been attended with most disastrous results to persons and corporations that have invested large sums of money in these enterprises, indeed with one or two notable exceptions the capital thus invested has been a dead loss to the investors while in very many instances they have not been able to save from the general wreck twenty per cent of the original investment. But this condition of things is not in any material sense the result of taxation imposed upon the gross or net proceeds of the mines but is attributable to that lack of judgement and injudicious management that is born of inexperience and want of practicable knowledge in the various processes adapted to the successful manipulation of the different kinds of ores with which our Territory abounds. But happily for the Territory this great industry has at last been remanded to the hands of a class of men to whom quartz mining has not only been a study for years, but has been the field in which the labor of their hands have been employed, until with them and under their skillful management fortified by practical experience capital employed in quartz mining operations in this Territory promises to be as safe and remunerative as if invested in Bank Stocks, Merchandise or Stock growing and the question now presents itself,

shall this great industry the foundation of our material wealth be fostered by the enactment of generous laws, or shall it be crippled and strangled by discriminatory enactments which will retard if it does not suppress this great industry by driving capital to other fields for investment where taxes are less burdensome and oppressive. While your Committee are well aware that Capitalists are selfish and do not seek investments in our mines to the end that the growth and material prosperity of the Territory may be promoted thereby, but rather that the investment shall constitute the basis upon which large dividends shall eventually be declared. Your Committee cannot overlook the fact known of all men that Capital thus invested in quartz mines gathers around it and supports, maintains and builds up communities, villages, towns and cities by the labor it employs and the demand that it creates for the products of the looms, the machine shops, the farm and grazing lands at home and abroad. As this is the first period in our history that some Legislation seems to be imperatively demanded by the other industries of our Territory, your Committee finds itself confronted with the two propositions before stated and they are called upon to decide between the two. The proposition to tax a certain per cent of the gross proceeds of the Mines independently of the cost of mining and milling the ores and extracting the metals therefrom and converting the same into money or its equivalent is surrounded by difficulties that would lead to expensive and interminable litigation, check many operations in the Territory, deter capital from investment in our undeveloped mines, and so far as your Committee is advised would be an innovation upon that system of taxation that prevails in every other state and Territory of the Union. The second proposition to tax the net proceeds of the Mines after deducting the actual cost of mining and milling the ores and extracting the metals therefrom and converting the same into money or its equivalent is one the Wisdom of which commends itself to the judgement of your Committee being founded upon the practical experience of the Older States and Territories. A system of taxation that has rescued the State of Nevada from impending Bankruptcy a system that has enabled the State within a few years to cancel her entire debt which but a few years ago was numbered by the Million and has given her a surplus in her Treasury of over six hundred thousand dollars. A system which has enabled the State of Colorado to pay off her debt, put a surplus of several hundred dollars in her State Treasury and has made her what she is today, the most prosperous State in the Union. Your Committee would therefore report the bill back to the House with the accompanying Substitute and recommend that it do pass.

Respectfully Submitted
McCormick
Sweeney

The Substitute reported by the Committee was read and ordered printed.

Mr. Speaker announced that he was about to sign H.B. No. 5—"An Act to enable the County of Gallatin to erect a Court House and Jail".

Mr. Boardman was granted leave of absence for 3 days.

Mr. Speaker announced that he was about to sign H.B. No. 29—"An Act for the relief of A.C. Botkin" also he was about to sign H.B. 16—"An Act concerning the County of Custer" also that he was about to sign H.B. No. 21—"An Act to change the name of "Sing On" to George Taylor" also that he was about to sign H.J.M. No. 6—"In regard to transfer of Indians to War Department" also that he was about to sign H.J.M. No. 4—"In relation to confining Indians on Reservations".

On motion of Mr. Steell the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

TWENTY FOURTH DAY

House of Representatives
February 5th, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Absent with leave Mr. Boardman.

Prayer by the Chaplain.

Journal of yesterday read and approved.

House proceeded to the consideration of Majority and Minority reports of the Judiciary Committee on C.B. No. 1—"An Act concerning limitations".

Mr. Robinson moved that the report of the Chairman of the Committee be adopted.

Mr. Sanders moved a Call of the House—Roll called—Absent Mr. Forbis—The Sergeant-at-Arms was directed to bring in Absentee.

On motion of Mr. Sanders further proceedings under the Call of the House were dispensed with.

Mr. McCormick in the Chair.

On motion of Mr. Forbis the House took a recess until 2 O'clock P.M.

2 O'CLOCK P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Absent with leave Mr. Boardman.

The question being upon the adoption of the Report of the Chairman of the Judiciary Committee on C.B. No. 1, Mr. Sweeney moved a call of the House. Roll called—absent Messrs. Beach and Steell. Sergeant-at-Arms was directed to bring in Absentee. On motion of Mr. McCormick further proceedings under the call of the House were dispensed with.

Mr. Speaker announced that he was about to sign C.B. No. 8—"An Act to consolidate the county offices of Beaverhead and Custer Counties".

The motion to adopt the report of the Chairman of the Judiciary Committee on C.B. No. 1 was lost.

Mr. Forbis moved the following Amendment to C.B. No. 1. Strike out all after Enacting clause and insert "No person against whom a claim of debt or for damages has arisen in this Territory shall in an action therefore under the plea of the Statute of limitations be entitled to have computed under his said plea in his favor such period or periods of time as elapse while his domicile, residence or whereabouts are unknown to the plaintiff or person holding such claim unless it also appear that his whereabouts was generally known in the Community or Communities in which he resided at the time the said claim originally arose and at the time when the same became due."

Mr. McCormick moved to amend the Amendment as follows: Strike out the words "Strike out all after the enacting clause and insert" also that Sec. 2 be numbered Sec. 3—which Amendment to the Amendment was lost. And the Ayes and Noes being called upon the Amendment of Mr. Forbis the same was adopted by the following vote:

Ayes—Beach, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Harrington, Mood, Noyes, Perkins, Sanders, Steell, Stuart.

Noes—Barbour, Boyer, Hamilton, Marion, McCormick, McElroy, Robinson, Sweeney, Thorpe, Wilson, Mr. Speaker - 11.

Absent with leave Mr. Boardman.

Mr. Sanders moved to further amend by numbering the Amendment adopted as Sec. 1 which motion prevailed and the Amendments were ordered engrossed.

The Committee on Ways and Means reported as follows:

Mr. Speaker,

Your Committee on Ways and Means to which was recommitted C.B. No. 3—"An Act to provide for the compensation of Kerley, McQuaid and LaCroix" have had the same under consideration and beg leave to report that they have examined the law pertaining to the subject of printing the reports of the Territorial Auditor and Treasurer and record of Marks and Brands and find that there is no law in existence under which this compensation can be paid. Your Committee would therefore recommend that the bill do pass.

McCormick

The Committee on Territorial Affairs reported as follows:

Mr. Speaker,

Your Committee on Territorial Affairs to which was recommitted H.B. No. 28—A bill for "An Act for the relief of St. Johns Hospital" beg leave to report as follows: Chas. Smith was cared for at St. John's Hospital from May 1st (exclusive) 1877 until August 3rd (inclusive) 1877 being 94 days or 13 3/7 weeks at \$10.00 per week \$134.50, which includes clothing, burial expenses, etc. William Coppie was also a patient at said Hospital from October 31st exclusive 1877 until Feby 14th inclusive 1878, being 106 days or 15 1/7 weeks at \$10.00 per week \$150.00 which also includes clothing, etc. Your Committee would also report that from the most reliable information it could obtain Chas. Smith was at the time of his death either a resident of Jefferson, Lewis and Clarke or some other County within the boundary lines of the Territory of Montana.

Barbour
Sweeney
Fergus
Boyer
Marion

Mr. Harrington reported as follows:

Mr. Speaker,

Your Committee on Printing to which was referred Substitute for H.B. No. 20—"An Act to provide for the taxation of Mines" have examined the same and find it correctly printed.

Harrington
Chairman

On motion of Mr. McCormick the Substitute for H.B. No. 20 and the reports of Ways and Means Committee thereon were made the Special Order for half past 10 O'clock A.M. Feby 10th 1879, in Committee of the Whole.

The Judiciary Committee reported as follows:

Mr. Speaker,

The Judiciary Committee to which was referred C.B. No. 12—A bill for "An Act to enlarge homesteads" beg leave to report that it has considered said bill and recommend that the same do pass.

Robinson
Chairman

Mr. Sanders moved that the Bill be amended by striking out the Proviso at the end of the same, which motion was lost.

The following notices of the introduction of bills were given by Mr. Steell—"A bill to define the Assessable property in the Territory of Montana" Also—"A bill to consolidate the office of Territorial Superintendent with that of Territorial Auditor" Also—"An Act to establish and regulate the fees of Witness, Jurors, and certain Officers of Montana" Also—"A bill to establish and regulate the fees of County Commissioners".

By Mr. Robinson—"A bill for an Act in relation to Corporations" Also—"A bill for an Act in relation to Public Administrators".

By Mr. Fergus—"A bill in relation to the taxation of Live Stock" Also—"A bill relating to the qualifications of Members of the Council and Legislative Assembly".

Mr. Robinson by consent of the House and without previous Notice introduced H.B. No. 46—"An Act to regulate the fees of Probate Judges and Clerks of the Probate Courts and Executors and Administrators" which was read a 1st and 2nd time and referred to the Printing Committee.

Mr. McCormick was granted leave of absence for the day.

Mr. Beach moved that the House reconsider the vote by which C.B. No. 13—"An Act prescribing the penalty for murder" was passed which motion prevailed and the Clerk was directed to communicate the fact to the Council and request the return of the Bill.

Mr. Robinson moved that the House instruct the Committee on Internal Improvements to report H.B. No. 19—"An Act to encourage Steamboat navigation on the Upper Missouri River" to the House at the forenoon session Feby 6th 1879, which motion was lost.

The Committee on Enrollment reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that H.B. No. 5—"An Act to enable the County of Gallatin to erect a Court House and Jail" Also—H.B. No. 16—"An Act concerning the County of Custer" Also—H.B. No. 21—"An Act to change the name of Sing On to George Taylor" Also—H.B. No. 29—"An Act for the relief of A.C. Botkin" and also—H.J.R. No. 4—were presented to the Governor at 3:15 P.M. Feby 5th 1879.

Forbis

The following Message was received from the Council.

Council Chamber
Feby 5th 1879

Mr. Speaker,

I am instructed by the Council to transmit to the House the report of the Judges of the Supreme Court and the Communication of the Governor respecting the same and the accompanying documents.

Respectfully
Harry R. Comly
Chief Clerk

The Report and accompanying documents referred to in the Council Message was referred to the Judiciary Committee.

Mr. Steell introduced H.B. No. 45—"An Act authorizing Assessors to appoint a Deputy" which was read a 1st and 2nd time and referred to the Judiciary Committee.

H.B. No. 28—"An Act for the relief of St. Johns Hospital" was read a 3rd time and Mr. Beach moved that its further consideration be made the Special Order for 2:30 O'Clock P.M. Feby 7th, 1879 with the House which motion prevailed.

C.B. No. 12—"An Act to enlarge Homesteads" was read a 3rd time and passed by the following Vote:

Ayes—Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McElroy, Perkins, Robinson, Sanders, Steell, Stuart, Mr. Speaker - 16.

Noes—Barbour, Beach, Boyer, Mood, Noyes, Sweeney, Thorpe, Wilson - 8.

Absent with leave, Mr. Boardman — Mr. McCormick.

Title was agreed to.

C.B. No. 3—"An Act to provide for the compensation of Kerley, McQuaid and LaCroix" was read a 3rd time and passed by the following Vote:

Ayes—Barbour, Beach, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 24.

Noes—None.

Absent with leave Messrs. Boardman and McCormick.

Title was amended to read as follows—"An Act to provide compensation for certain printing".

On motion of Mr. Steell the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

TWENTY FIFTH DAY

House of Representatives
February 6th, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Absent with leave Mr. Boardman.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment to which was referred H.J.M. No. 8—In relation to Military Telegraph line from Deadwood Dakota to Fort Ellis, M.T. with amendments have examined the same and find it correctly engrossed.

Harrington
Chairman

Also as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred H.B. No. 17—"An Act to establish the fees of District Attorneys" with Amendments have examined the same and find it correctly engrossed as amended.

Harrington

The Committee on Printing reported as follows:

Mr. Speaker,

Your Committee on Printing to whom was referred H.B. No. 44—"A bill for "An Act in relation to Insolvent Debtors", have examined the same and find the same correctly printed.

Harrington

H.B. 44 reported printed was referred to the Judiciary Committee.

The Committee on Towns and Counties reported as follows:

Mr. Speaker,

Your Committee on Towns and Counties to which was referred C.B. No. 19—"A bill for "An Act to provide for the support and maintenance of the Philipsburg Fire Department" beg leave to report that it has had said bill under consideration and suggests that said bill be amended by striking out the words "town of Philipsburg", where they occur in Sec. 1 of said Act and insert in lieu thereof the words "fire district defined in Section 7 of this Act". Also insert the word "Philipsburg" before the words "fire tax" where they occur in Sec. 4 of said act. And as amended your Committee recommend that said bill do pass.

Forbis
Chairman

The Judiciary Committee made the following report:

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 35—A bill for "An Act to amend An Act concerning Crimes and punishments" beg leave to report that it has considered said bill and recommend that it do pass.

Robinson
Chairman

Mr. Sanders moved that the Rules be suspended & H.B. 35 be considered engrossed and put upon its final passage, which motion prevailed and the bill was passed as follows. Those voting Aye were: Barbour, Beach, Boyer, Brooke, Combs, Edwards, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 23. Those voting No were: Mr. Fergus - 1. Absent with leave Mr. Boardman.

Title was agreed to.

The Judiciary Committee reported as follows:

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 11—A bill for "An Act to amend Sec. 9 of Chapter 37 of an Act of the Legislative Assembly of Montana Territory, Entitled An Act Revising, re-enacting and codifying the general and permanent laws of Montana Territory approved Jan 12, 1872" beg leave to report that it has considered said bill and recommend that it do pass.

Robinson
Chairman

The bill referred to and accompanying the report was ordered engrossed.

Mr. Robinson from the Committee on the Judiciary reported as follows:

Mr. Speaker,

The Judiciary Committee to which was referred C.B. No. 7—"An Act to prevent the trespassing of animals upon private property" beg leave to report that it has considered said bill and recommend that the same be amended by adding thereto the following section, to wit: Sec. 3—When two or more persons shall cultivate lands under one inclosure, neither of these shall place or cause to be placed any animal on his, her or their ground, to the injury or damage of the other or others, but shall be liable for all damages thus sustained by the other or others, and if repeated after due notice is given and for every subsequent repetition, double damages to be recovered in any court having jurisdiction. Said Committee also recommend the adoption of the Amendments to said bill offered and submitted to it. And with such Amendments said Committee recommend that said bill do pass.

Robinson
Chairman

On motion of Mr. Sanders the report and Amendments were adopted and the Amendments ordered engrossed.

The Judiciary Committee reported as follows upon C.B. No. 6.

Mr. Speaker,

The Judiciary Committee to which was referred C.B. No. 6—A bill for "An Act amendatory of Sec. 286 of the Criminal practice Act" beg leave to report

that it has considered said bill and report the same back without recommendation.

Robinson
Chairman

The Committee on Federal Relations reported as follows:

Mr. Speaker,

Your Committee on Federal Relations to which was referred House Joint Memorial No. 5—"On Chinese Immigration" with amendments have had the same under consideration and beg leave to report the same back with a Substitute and would recommend that the Substitute do pass.

Stuart
Chairman

The Substitute referred to and accompanying the Report was read and Mr. Sanders moved to amend by striking out the words "and cheapest" where they occur which motion was lost.

Mr. Sanders moved to amend by striking out the words "well known to all" where they occur, which motion was lost.

The Substitute was adopted and on motion of Mr. Sanders the Rules were suspended, the Substitute considered engrossed and placed on Calendar for 3rd reading.

The Committee on Grazing and Stock-growing made the following report:

Mr. Speaker,

Your Committee on Grazing and Stock-growing to whom was referred H.B. No. 13 would respectfully submit the accompanying bill as a Substitute and recommend that the same do pass.

Brooke

On motion of Mr. Edwards the Substitute was adopted and ordered printed.

The Judiciary Committee made the following majority and minority Report.

Mr. Speaker,

The Judiciary Committee to which was referred C.B. No. 2—A bill for "An Act to provide for licensing Commercial travelers" beg leave to report that it has considered said bill and the undersigned a majority of said Committee recommend that said bill do pass.

J.C. Robinson
John F. Forbis
W.J. McCormick

The minority report was as follows:

Mr. Speaker,

Your Committee on the Judiciary has had under consideration C.B. No. 2—"A bill for an Act to license Commercial travelers" and certain of the Members having recommended that the bill do pass the undersigned dissent therefrom. It is the opinion of the undersigned, that the bill should be amended as follows:

1st Strike out the words "three months" where they occur in the bill and insert "one month" in lieu thereof.

2nd Strike out the words "fifty" where they occur in the bill and insert "ten" in lieu thereof.

3rd Strike out all of Sec. 1 of the bill after the words "three months from the date thereof".

4th Insert the word "two" before the word "three" in Sec. 2 of the bill—As so amended it is the opinion of the undersigned that the bill should not pass. Your Committee is of the opinion that trade should be free and that the public welfare is best promoted by such freedom, we regard as an axiom. Any restraint upon such freedom imposed by law should result from the necessity of raising a revenue and that restraint should be as small as possible and so adapted to the commerce thus crippled as to impose as small a burden as is consistent with making it share its proportion of the burdens of taxation. Commercial travelers as a rule do not ply their vocations in any one County for a longer period than thirty days and the other two months license for which by the terms of this bill they are compelled to pay is useless to them, so that to a large majority of them the fifty dollar license imposed might as well be taxed to them for one month, as for the three months, the period fixed by the bill. The burden imposed is not therefore adapted to the business sought to be taxed, but is purposely so arranged that it may operate as a practically prohibitory burden on those who pursue said avocation, while the few may be profoundly and pecuniarily interested in preventing competition in the sale of merchandise such is not the interest of the majority or our people, who comprise the consuming rather than the trading class. Because the former class is most noisy around the halls of Legislation, it is believed by the undersigned that the public interest coincides with the class last named. Whatever differences may exist as to the foregoing propositions, there is in the view of the undersigned one insuperable objection to the passage of this bill, as it will affect those whom it is mainly designed to reach viz: commercial travellers from other states and territories of the American Union. By Sec. 8 of Art. 1 of the Constitution of the United States the Congress has power "to regulate commerce x x among the several States" and "to make all laws which shall be necessary and proper for carrying into effect the foregoing powers". By omitting to pass laws on this subject Congress has willed that this commerce shall be free. (91. U.S.S.C.R 275) A license tax upon the sale of goods is in effect a tax upon the goods themselves. Supra—Nor can this Territory directly or indirectly, legislate in hostility to this commerce between this Territory and another State of the United States at any time, nor can it by direction or indirection tax the goods which are the subject of that commerce until they have reached this Territory, nor then until they have become incorporated and mixed up with the mass of property in the Territory. All these principles have been affirmed and reaffirmed by the highest Judicial tribunals known to the Constitution. They are entitled not merely to a sullen obedience, they should have our cheerful support. If Congress instead of willing that commerce between the States should be free which it has done by its silence, had provided that persons proposing to engage in it should apply at the treasury department and for a license fee of fifty dollars then paid should receive a license permitting them to conduct inter state commerce and that thus armed they should come to Montana would we find in the proposed Legislation authority to imprison them for doing that which Congress had authorized them for a consideration expressly to do? Assuredly not, no more can we find such a sanction for this Legislation conceding that Congress has remained silent thereon. With whatsoever plausible disguises this bill may be covered its incontestable result will be the suppression of competition and a

burden upon and a restraint of trade. If these views are correct the effect of this law will be to tax our own commerical travellers who represent our own business houses as to whom its constitutionality is undoubted and those from other States will be absolved from such taxation thereby discriminating seriously against our own merchants and an anomalous condition of affairs must remain for two years before which time it will be impossible to repeal this law, under the law permitting only biennial sessions. The law will therefore be a greivous burden upon those whom it was hoped to benefit thereby.

Failing to find for it any warrant in the Constitution or any call for it dictated by correct views as to the public welfare the undersigned recommend that the bill do not pass.

All of which is respectfully submitted.

W.F. Sanders

Mr. Harrington moved to adopt the minority report and amendments and a division of the question being called for, the 1st Amendment proposed was considered and adopted.

Mr. Sanders moved to amend the second Amendment by substituting the words Strike out the word "fifty" where it occurs in Sec. 1 of the bill and insert the word "ten" in lieu thereof which amendment to the amendment was accepted and the Amendment adopted. The 3rd and 4th Amendments recommended in the report were separately considered and adopted.

Mr. McCormick moved that the Bill and Amendments be made the Special Order for half past 2 O'clock P.M. which motion was lost. And the Amendments were ordered engrossed.

The Judiciary Committee reported as follows:

Mr. Speaker,

Your Judiciary Committee beg leave to report that it has had under consideration C.B. No. 5—"An Act to incorporate the town of Butte" and recommend that said bill be amended by striking out all of Sec. 23 of said act. Also strike out all that portion of Sec. 24 embraced in lines 11, 12 & 13 and which reads as follows, "if a majority of the electors of said City vote in favor this charter within thirty days from its acceptance as aforesaid" and insert before the word proceed in line 14 of Sec. 24 the words "within thirty days from the passage of this act" also strike out all of sections "25 & 26" of said act. Amend by numbering Sec. "24" of said Act "23". And as so amended your Committee recommend that said Bill do pass.

Robinson
Chairman

The Amendments reported were on motion adopted and ordered engrossed.

Mr. Beach Chairman of a select Committee presented the following majority and minority reports.

Mr. Speaker,

A majority of your Special Committee to whom was referred H.B. No. 25—"An Act in relation to Irrigation and Water Rights" beg leave to report that they have had the same under consideration and find the Water question a very intricate and unsettled one and we have thought best to report a

Substitute for said Bill and recommend that it be adopted and would further recommend that said Substitute do pass.

Combs, Beach, Barbour, Marion,
Cornick, Hamilton, Perkins

The minority report was as follows:

Mr. Speaker,

A minority of your Select Committee to which was referred H.B. No. 25—"An Act to amend An Act in relation to Irrigation and Water-rights" beg leave to report that they fully agree with the majority that the question is a very intricate one and one involved in much obscurity. And as the question is of great importance and one in which the best legal talent of the country are not agreed, we think it not advisable to enter into any hasty or ill-advised legislation upon the subject. We believe the intention of both the Bill and Substitute to be to legislate upon rights acquired both before and after the passage of the Act which is sought to be amended. That in this it would conflict with Sec. 7 of the Act which reads "that this act shall not be so construed as to impair or in any way or manner interfere with the rights of parties to the use of the waters of such Streams or Creeks acquired before its passage". Such an Amendment as proposed would involve the law in a contradiction of terms and open the way by which endless litigation and trouble would be inaugurated. We also further believe, in the light of our personal experience upon the subject, that what the majority of the Committee recommend will only render "confusion worse confounded". We are therefore under the profound conviction that, that which cannot be improved had better be let alone.

All of which is respectfully submitted.

Thorpe
Wilson

On motion of Mr. Beach the Majority report and Substitute accompanying were adopted and the Substitute ordered Engrossed.

The following Notices of the introduction of Bills were given.

By Mr. Edwards,

A bill for "An Act concerning Licenses".

By Mr. Sweeney,

"An Act to punish the husband for fraudulently transferring or causing to be transferred Real and Personal property to the Wife with intent to defraud Creditors".

By Mr. Forbis,

A bill for "An Act to provide for printing certain reports".

By Mr. Hamilton,

"A bill in relation to license tax on Billiard Tables".

The following Message was received from the Council.

Council Chamber
Feb'y 6th 1879

Mr. Speaker,

I am directed by the Council to inform the House that Holter introduced C.B. 28—"An Act to correct errors in references to Sections of the Code of

Civil procedure". At the request of the House the Council herewith transmits C.B. 13—"An Act prescribing the penalty for murder".

Respectfully
Harry R. Comly
Chief Clerk

On motion of Mr. Beach the Rules were suspended and C.B. 13 was re-committed to the Judiciary Committee.

The following Message was received from the Council.

Council Chamber
Feby 5th 1879

Mr. Speaker,

I am directed by the Council to inform the House that Kennon introduced C.B. 27—"An Act to repeal Sec. 6 of An Act to provide for the collection of revenue approved Jany 12, 1872". Holter gave notice of "An Act to correct errors in references to Sections of the Code of Civil procedure". That the Council has receded from its amendment to Sec. 2 of H.B. 3 "An Act in relation to Swine" and insists upon its amendment to Sec. 3 of said bill. That the Council has concurred in House Amendment to the title of C.B. 17 and the bill is ordered enrolled. That the report of the Judges of the Supreme Court requested by the House has been referred to the Com. on Judiciary and is now in the Committee's hands.

Respectfully
Harry R. Comly
Chief Clerk

Mr. McCormick moved that the House do concur in Council Amendment to Sec. 3 of H.B. 3—"An Act in relation to Swine" which motion prevailed.

Mr. Steell introduced H.B. 47—"An Act to establish and regulate the fees of Witnesses, Jurors, and certain officers of Montana Territory" which was read a 1st and 2nd time and Mr. Noyes moved that it be indefinitely postponed which motion was lost and the bill was referred to the Judiciary Committee.

Mr. Harrington introduced H.B. 48—"An Act to provide for keeping the records of the District Court at the County Seats of the Counties where such courts may be held" which was read a 1st and 2nd time and Mr. Robinson moved to suspend the Rules, that the Bill be considered engrossed and place upon the Calendar for 3rd reading which motion was lost and the bill was referred to the Judiciary Committee.

On motion of Mr. Hamilton the House took a Recess until 2 O'clock.

2 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Absent with leave Mr. Boardman.

Mr. Fergus introduced H.B. 49—"An Act in relation to taxation of Live Stock" which was read a 1st time and Mr. Forbis moved that the Bill be rejected which motion was lost, the Bill was read a 2nd time and on motion of Mr. Sanders the Rules were suspended and the Bill was referred to the Committee on Ways and Means.

House B. No. 50—"An Act prescribing the qualifications of Members of the Legislative Assembly" introduced by Mr. Fergus was read a 1st and 2nd time and Mr. Sanders moved to amend as follows: add after the word "office" in tenth line, "Except members of the Legislative Assembly" and to add after enacting clause "Sec. 1" which amendment was adopted.

Mr. Steell moved to amend as follows:

Sec. 2. No contractor for the care and maintenance of the Insane or Convicts of this Territory or for the labor of such Convicts shall be eligible to the Legislative Assembly, nor shall such contract be let to a member of the Legislature Assembly during his term, which Amendment was adopted and the Bill referred to the Printing Committee.

The Enrollment Committee reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that C.B. No. 8—"Consolidating the County offices of Beaverhead and Custer Counties" was presented to the Governor at 3:15 P.M. Feby 5th 1879.

Forbis

Mr. Robinson introduced H.B. 51—"An Act in relation to Public Administrator" which was read a 1st and 2nd time and Mr. Sanders moved to amend as follows: add to repealing clause, "but such repeal shall not take effect until the first Monday of December A.D. 1880". Amendment was adopted and the bill referred to the Committee on Printing.

The following Message was received from the Governor.

Territory of Montana
Executive Department
Helena February 6th 1879

To the House of Representatives,

On the 5th day of February A.D. 1879, I approved the following bills to wit:

H.B. No. 29—Entitled, "An Act for the relief of A.C. Botkin".

H.B. No. 21—Entitled, "An Act to change the name of Sing On to the name of George Taylor.

Also H.J.R. No. 4.

Respectfully
B.F. Potts

H.J.M. No. 5—"In regard to Chinese Immigration" was read a 3rd time and passed as follows: Those voting Aye were: Barbour, Brooke, Combs, Cornick, Edwards, Forbis, Hamilton, Harrington, Marion, McElroy, Mood, Noyes, Perkins, Robinson, Stuart, Sweeney, Wilson, Mr. Speaker - 18. Those voting No were: Beach, Boyer, Fergus, Sanders, Steell, Thorpe - 6. Absent: Mr. McCormick. Absent with leave Mr. Boardman.

Title was agreed to.

H.J.M. No. 8—"In relation to Military Telegraph from Deadwood Dakota to Fort Ellis Montana" was read a 3rd time and passed by the following vote.

Ayes—Barbour, Beach, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 24.

Noes—None. Absent Mr. McCormick. Absent with leave Mr. Boardman. Title was amended to read, 'In relation to Military Telegraph'.

H.B. 17—"An Act to establish the fees of District Attorney" was read a 3rd time and passed by the following vote: Those voting Aye were—Barbour, Beach, Boyer, Combs, Edwards, Fergus, Forbis, Harrington, McCormick, Mood, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe - 17. Those voting No were—Brooke, Cornick, Hamilton, Marion, McElroy, Noyes, Wilson, Mr. Speaker - 8. Absent with leave Mr. Boardman.

Title was agreed to.

C.B. 19—A bill for "An Act to provide for the support and maintenance of the Philipsburg Fire Department" was read a 3rd time and passed as follows:

Ayes—Barbour, Beach, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, Mood, Noyes, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 22.

Noes—None. Absent Messrs. McElroy, Perkins, Robinson. Absent with leave Mr. Boardman.

C.B. No. 6—"An Act amendatory of Sec. 286, of the Criminal Practice Act" was read a 3rd time and lost by the following vote.

Ayes—Brooke, Hamilton, Marion, Mood, Perkins, Stuart, Wilson - 7.

Noes—Barbour, Boyer, Combs, Cornick, Edwards, Fergus, Forbis, Harrington, McCormick, McElroy, Noyes, Robinson, Sanders, Steell, Sweeney, Thorpe, Mr. Speaker - 17.

C.B. 5—"An Act to incorporate the town of Butte" being before the House for a 3rd reading. Mr. Forbis moved to suspend the Rules and read the same by title which motion prevailed, the bill was so read and passed by the following Vote:

Ayes—Barbour, Beach, Combs, Fergus, Forbis, McCormick, Mood, Noyes, Robinston, Sanders, Steell, Stuart, Mr. Speaker - 13.

Noes—Boyer, Brooke, Cornick, Edwards, Hamilton, Harrington, Marion, McElroy, Perkins, Sweeney, Thorpe, Wilson - 12. Absent with leave Mr. Boardman.

C.B. 7—"An Act to prevent trespassing of animals upon private property" was read a 3rd time and passed by the following vote.

Ayes—Barbour, Beach, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Marion, McCormick, McElroy, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Mr. Speaker - 22.

Noes—Harrington, Mood, Wilson - 3. Absent with leave Mr. Boardman.

Title was agreed to.

The following Message was received from the Council:

Council Chamber
Feby 6th 1879

Mr. Speaker,

I am directed by the Council to inform the House that the following notices were given of the introduction of bills.

By Sanders,

"An Act to encourage the Construction of Artesian Wells in Montana".

By Sedman,

“An Act concerning water rights”.

That Mr. Hays introduced,

C.B. 29—“An Act to provide for the codification of the general laws of Montana Territory”.

That C.B. 27—“An Act to repeal Sec. 6 of the An Act to provide for the collection of revenue approved January 12th 1872” was read third time and passed the Council and is herewith transmitted.

Respectfully
Harry R. Comly
Chief Clerk

Mr. Robinson was granted leave of absence for the day.

Mr. Hamilton moved to suspend the Rules and allow of the introduction of a bill by Mr. Marion, which motion prevailed and the bill was introduced and placed on Calendar for 1st reading.

On motion of Mr. Forbis the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

TWENTY SIXTH DAY

House of Representatives
February 7th, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Absent with leave Mr. Boardman.

Prayer by the Chaplain.

Mr. Perkins presented a Petition from Citizens of Gallatin County opposing exemption of R R's from taxation.

The Committee on Enrollment reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that it has examined and compared.

C.B. No. 3—"An Act to provide compensation for certain printing"

C.B. No. 12—"An Act to enlarge Homesteads" and

C.B. No. 17—"An Act in relation to escheated Estates" and find each of said bills correctly enrolled.

Forbis

Mr. Harrington from the Committee on Printing reported as follows:

Mr. Speaker,

Your Committee on Printing to whom was referred the Report from County Clerk of Missoula Co. have examined the same and find it correctly printed.

Harrington

The Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred House Amendments to Council Bill No. 1—"An Act concerning limitations", also Substitute for H.B. No. 25—a bill to amend "An Act in relation to irrigation and water rights" and H.B. No. 11—"An Act to Amend Sections 9 of Chapter 37 of an Act of the Legislative Assembly of Montana Territory entitled an Act revising, re-enacting and codifying the general and permanent laws of Montana Territory approved January 10th 1872" have examined the same and find each correctly engrossed.

Harrington

The Judiciary Committee made the following majority and minority reports:

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 27—A bill for "An Act to repeal Sec. 156 of the Criminal laws" beg leave to report that it has considered said bill and recommend that it do not pass.

Robinson
Chairman

The minority report was as follows:

Mr. Speaker,

A minority of your Committee on the Judiciary to which was recommitted H.B. No. 27—"An Act to repeal Section 156 of the Criminal practice Act" beg leave to report that in the judgment of the undersigned, said bill ought to pass, for the following reasons to wit: **First.** The Act is in direct opposition to the public sentiment of the County and for that reason no effort has even been made to enforce it in any portion of the Territory so far as a minority of your Committee is advised. And the fact is notorious that notwithstanding this statute, Soldiers buy and drink whisky in all the public saloons of the Territory with as little restraint as any other class of persons. **Second.** Whisky is permitted to be sold to soldiers by the government of the United State on all of its Military Reservations. And in as much as the Territory cannot prevent or regulate the sale of whisky upon Military Reservations, it would seem that there is no consideration either of a public or private character why this statute should not be repealed. For the reasons above stated a minority of your Committee recommend that the bill do pass.

McCormick

Mr. Steell moved that the Minority report of the Judiciary Committee be adopted which motion prevailed and the bill was ordered engrossed.

The Committee on Grazing and Stock-growing made the following Majority and Minority reports on H.B. 34—"An Act to exempt hay from taxation".

Mr. Speaker,

The undersigned respectfully submit the following majority report relative to H.B. 34, exempting hay from taxation. We do not see that hay should be exempt from taxation more than grain in the bin or merchandise on the shelf that is taxed year after year. Our wagons and harness, our plows and harrows, our mowing machines and rakes are taxed each succeeding year and as they grow older they become less valuable and are returned to the Assessor at a less rate. Old hay can be given in at market price each year and when it finally becomes only fit for manure, then let it be exempt. Too much exemption is establishing a bad precedent. And if it prevails at present the next Legislature will be appealed to by every merchant and stock-grower in the Country for exemption.

Boyer
Perkins
Fergus

The minority report was as follows:

Mr. Speaker,

A minority of your Committee to whom was referred H.B. No. 34 have had the same under consideration and recommend that it do pass.

Brooke

The Bill was ordered engrossed.

Mr. McCormick from the Ways and Means Committee reported as follows:

Mr. Speaker,

Your Committee of Ways and Means to whom was referred Council Bill No. 4, respectfully report that they have carefully considered the same and recommend the following Amendments. Insert after the word "sealed" where

it occurs in line seven Section two the words "with the County Seal". Also strike out the words "Ninety Six" where they occur in line fifteen of section two and insert in lieu thereof "Ninety Seven". Also in Section four strike out the words, "one hundred five hundred" and strike out Section twelve. With these Amendments Your Committee recommend that the bill do pass.

Respectfully submitted
McCormick
Chairman

On motion of Mr. Brooke the Amendments reported by the Committee were adopted and the Bill as amended was ordered engrossed.

The Judiciary Committee reported as follows:

Mr. Speaker,

A majority of your Committee on the Judiciary has had under consideration so much of the message of his Excellency the Governor as reads as follows. "Section two of the election law provides that no person convicted of treason, felony or bribery unless restored to civil rights shall be permitted to vote at any election in the territory. As no officer appears to be clothed with the authority to restore persons convicted of felony to their civil rights some legislation is demanded at your hands conferring authority to restore persons to their civil rights who have forfeited the same by the commission of crime. A person convicted of a felony should not in my opinion be restored to civil rights except for meritorious character as a citizen before conviction and good conduct during confinement in prison". Sec. 2 of an Act of the Congress of the United States entitled an Act to provide a temporary government for the Territory of Montana approved May 26th, 1864, among other things provides that the executive power and authority in and over said territory of Montana shall be vested in a Governor x x x. He may grant pardons and respites for offenses against the laws of said territory and reprieve for offenses against the laws of the United States until the decision of the President of the United States can be made known thereon x x x. By Sec. 2 of Art. 2 of the Constitution of the United States it is provided that the President shall have the power to grant reprieves and pardons for offenses against the United States except in cases of impeachment. Although the organic act of the Territory as such has been repealed and its provisions embodied in a revision of the laws of the United States no function of the Governor as affecting his authority to grant pardons has been impaired. This authority in the Executive department has been secure since the organization of this Territory. Your Committee is of the opinion that it is not in the competency of this Legislative Assembly to curtail this function of the Executive in any manner whatever. With the pardoning power thus vested in the Governor as to offenses against the territory and in the President as to offences against the United States. Your Committee has proceeded to enquire as is recommended by his Excellency whether the provisions of Section two of the Election law are in the absence of further Legislative enactments nugatory. The effect of the Pardon which it is within the competency of the Executive department to grant as affecting the civil rights of the Criminal pardoned is not doubtful. It has been frequently determined by the Supreme Court of the United States and one of its latest authoritative decision was rendered at the October term 1877 (95 United State Supreme Courts Reports pp 149-157) in which in accordance with former decisions it is fully and unanimously determined that, A pardon is an Act of grace by which an offender is released from the consequences of his offense so far as such release is practicable and within control of the

pardoning power or of officers under its direction. It releases the offender from all disabilities imposed by the offence and restores him to all his civil rights. With the pardoning power thus vested in the Executive and consequence of a pardon thus asserted and defined by an authoritative tribunal. Your Committee is of the opinion that no further legislation is required and that it is not within the provinces of the two houses to transfer the authority, curtail the exercise of the right, or limit its consequences where exercised.

That this is the view which has heretofore obtained in this Territory in the Legislative Assembly cannot be doubted. Sec. 286 of the Criminal practice Act approved January 12, 1872, provides that a conviction for felony shall operate as a disability to serve as a Juror unless the Juror has been fully restored to the rights and privileges of a Citizen by pardon while the disabilities which attach to a person accused and convicted of a felony are not specified in the sentence they nevertheless are a part of the punishment for the offense and the pardon operates to release the party convicted of the remaining imprisonment, and fine and also of that other punishment which consists of his disability to vote or serve as a Juror.

That instances may occur when this right may be called into exercise without impairing the public safety or abolishing the discrimination which ought to be rigidly maintained between the law-abiding and criminal classes is not doubted but the exercise of this right is to be determined by the Executive department on individual cases as they may arise and no rule of universal application could be formulated nor is it desirable. Least of all is it proper that the Legislative Assembly should invade the Executive department in this regard and a Majority of your Committee reports back this subject to the House asking that it be discharged from further consideration of the same. All of which is respectfully submitted.

W.J. McCormick

W.F. Sanders

John F. Forbis

Notices of the introduction of Bills were given as follows:

By Mr. Forbis,

A bill for an Act in relation to mechanics liens.

By Mr. Stuart,

A bill for an Act to amend the Town Site law.

By Mr. Robinson,

A bill for an Act to amend an Act concerning crimes and punishments.

C.B. 27—"An Act to repeal Sec. 6 of an act to provide for the collection of Revenue approved Jan 12th 1872" was read 1st time and Mr. Sanders moved to reject the bill which motion was lost. The bill was read a 2nd time by title and referred to the Committee on Ways and Means.

The following Message was received from the Council.

Council Chamber
February 7th, 1879

Mr. Speaker,

I am directed by the Council to inform the House that Sedman gave notice of a bill entitled "An Act to reapportion the Members of the Legislative

Assembly". Holter introduced C.B. 30—"An Act to amend Sec. 10 of An Act concerning licenses". H.B. 22—"An Act to establish and regulate the fees of Assessors" has passed the Council with Amendments and is transmitted.

Respectfully
Harry R. Comly
Chief Clerk

H.B. 22 and Amendments referred to in Council Message was referred to the Committee on Ways and Means.

Mr. Edwards introduced H.J.M. No. 10 asking establishment of a Land Office at Miles City in Custer Co. M.T. which was read a 1st and 2nd time and Mr. Sanders moved to suspend the rules that the memorial be considered engrossed, read a 3rd time by title and put upon its final passage which motion prevailed and the Memorial was passed by the following Vote:

Ayes—Barbour, Beach, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker. Noes—none. Absent with leave Mr. Boardman.

Title was agreed to.

Mr. Hamilton introduced H.B. 52—"An Act to amend an Act concerning licenses", which was read a 1st & 2nd time and under a suspension of the Rules was referred to the Committee on Ways and Means.

Mr. Fergus, introduced H.B. 53, "An Act in relation to fees of Sheriffs" which was read a 1st time and Mr. Hamilton moved that the Bill be rejected, upon which the Ayes and Noes were called when the motion was lost by the following Vote:

Ayes—Barbour, Cornick, Forbis, Hamilton, Marion, McElroy, Noyes, Robinson - 8.

Noes—Beach, Boyer, Brooke, Combs, Edwards, Fergus, Harrington, McCormick, Mood, Perkins, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 17. Absent with leave Mr. Boardman.

Mr. Robinson moved the following amendment insert at end thereof as follows: That in addition to the fees now allowed by law the Sheriff shall be entitled to receive for each paper they are required by law to serve by copy, for making out such copies twenty cents per folio.

On motion of Mr. McCormick the House took a recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Absent with leave Mr. Boardman.

Mr. Speaker announced the business under consideration to be the Amendment of Mr. Robinson to H.B. 53 which question being put the Amendment was lost.

Mr. Sanders moved to amend by striking out one dollar where it occurs and inserting seventy five cents in lieu thereof.

Mr. Speaker announced that he was about to sign C.B. 12—"An Act to enlarge Homesteads" also he was about to sign C.B. 3—"An Act to provide

compensation for certain printing” also C.B. 17—“An Act relating to Escheated Estates”.

Mr. Hamilton moved a call of the House. Roll called. Absent Mr. McElroy.

On motion of Mr. Hamilton further proceedings under the Call of the House were dispensed with and the Ayes and Noes being called on the Amendment of Mr. Sanders the Amendment was lost by the following vote:

Ayes—Mr. Sanders - 1.

Noes—Barbour, Beach, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 24. Absent with leave Mr. Boardman.

Mr. Hamilton offered the following Amendment to Sec. 1. “The provisions of this Act shall only apply to the County of Lewis and Clarke.” And upon this Amendment Mr. Hamilton moved the Previous question which was sustained, when the Ayes and Noes being called for the Amendment was lost by the following vote.

Ayes—Forbis, Hamilton, Marion, McElroy, Noyes, Robinson - 6.

Noes—Barbour, Beach, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Harrington, McCormick, Mood, Perkins, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 19. Absent with leave Mr. Boardman.

The Bill was then referred to the Judiciary Committee.

H.B. No. 54—“An Act to establish and regulate the fees of Coroners” introduced by Marion was read a 1st time and on motion the Bill was rejected.

Mr. McCormick moved that the House do now adjourn, which motion was lost.

The House proceeded to the consideration of the Special Order for the hour of half past two P.M. such order being H.B. 28—“An Act for the relief of St. Johns Hospital” and the question being upon its final passage the bill was passed as follows. Those voting Aye were—Barbour, Beach, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Hamilton, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Wilson, Mr. Speaker - 22. Those voting No were—Harrington, Thorpe - 2. Absent Mr. Forbis. Absent with leave Mr. Boardman.

Title was agreed to.

On motion of Mr. Brooke the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

TWENTY SEVENTH DAY

House of Representatives
February 8th, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Absent with leave Mr. Boardman.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred House Amendments to C.B. No. 4—"An Act to provide for the funding the outstanding twelve per cent bonds of Jefferson Co." also H.B. No. 34—"An Act to exempt Hay from taxation" with Amendments thereto and H.B. No. 27—"An Act to repeal Section 156 of the Criminal Laws" with Amendments have examined said amendments and find the same correctly engrossed.

Harrington

The Committee on Printing made the following report.

Mr. Speaker,

Your Committee on Printing to whom was referred H.B. No. 42—A bill for "An Act to provide compensation for the Clerks of the District Courts" and H.B. No. 43—A bill for "An Act to provide for the payment of certain expenses" have examined said Bills and find the same correctly printed.

Harrington
Chairman

H.B. 43 reported correctly printed was referred to the Committee on Ways and Means.

H.B. 42 reported correctly printed was referred to the Judiciary Committee.

Mr. Robinson presented the following report:

Mr. Speaker,

The Chairman of the Judiciary Committee begs leave to report that the report submitted by three members of the Judiciary Committee on that portion of the Governors Message in reference to Pardons, has not been the result of any action of said Committee in said matter, but that said matter has not been considered by said Committee and said report is the report of said Members as individual members and not as the action of said Committee.

That when said matter is considered by said Committee it will report thereon as such Committee.

Robinson,
Chairman

Notices of the introduction bills were given.

By Mr. Thorpe,

A bill for "An Act to amend Sec. 3 of an Act to authorize the holding of County Teachers Institutes".

Also,

A bill for "An Act to provide for a System of Common Schools".

By Mr. Forbis,

A bill for "An Act to regulate certain Elections".

The following Message was received from the Council.

Council Chamber
February 7th, 1879

Mr. Speaker,

I am directed by the Council to inform the House that C.B. 26—"An Act to amend sections 158 and 340 of the Criminal practice Act" has passed the Council and is herewith transmitted.

Respectfully
Harry R. Comly
Chief Clerk

C.B. 26 transmitted with Council message was read a 1st time and Mr. Robinson moved to reject the bill which motion was lost. Mr. Sanders moved to suspend the Rules read the bill 2nd and 3rd time by Title and put it upon its final passage, which motion prevailed and the Ayes and Noes being called, the bill was lost by the following vote:

Ayes—Beach, Brooke, Combs, Edwards, Hamilton, Mood, Sanders, Stuart, Sweeney, Wilson - 10.

Noes—Barbour, Boyer, Cornick, Fergus, Forbis, Harrington, Marion, McCormick, McElroy, Noyes, Perkins, Robinson, Steell, Thorpe, Mr. Speaker - 15. Absent with leave Mr. Boardman.

Mr. Cornick introduced H.B. 55—"An Act to amend An Act entitled An Act to provide a Code of Civil procedure in the Territory" which was read a 1st and 2nd time and referred to the Judiciary Committee.

Mr. Stuart introduced H.B. 56—"An Act amending the Town Site law" which was read a 1st and 2nd time and referred to the Printing Committee.

Mr. Robinson introduced H.B. 57—"A bill for "An Act to amend An Act entitled An Act concerning crimes and punishments" which was read a 1st and 2nd time and referred to the Printing Committee also.

H.B. 58—"An Act in relation to corporations" which under a suspension of the Rules was read a 1st and 2nd time by Title and referred to the Printing Committee.

Mr. Sanders introduced H.B. 59—"An Act amending the Civil Code" which was read a 1st and 2nd time and referred to the Printing Committee.

Mr. Hamilton introduced H.B. 60—"An Act creating and organizing the Militia" which was read a 1st and 2nd time and Mr. Brooke moved to amend as follows. Strike out "forty five" where it occurs in Sec. 1 and insert "fifty five" which amendment was adopted and the bill was on motion referred to the Committee on Indian Affairs.

On motion of Mr. Sweeney the House took a Recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present. Absent with leave Mr. Boardman.

H.B. 27—"An Act to repeal Sec. 156 of the criminal laws" was read a 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boyer, Cornick, Edwards, Fergus, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Sweeney, Wilson, Mr. Speaker - 20.

Noes—Forbis, Stuart, Thorpe - 3.

Absent with leave, Boardman. Absent Brooke, Combs.

Mr. McCormick moved to re-consider the vote by which H.B. 27 was passed which motion Mr. Marion moved to lay upon the Table. The motion to lay upon the Table prevailed. Title of the bill was amended to read "An Act to repeal an Act prohibiting the sale of liquor to soldiers".

H.B. 34—"An Act to exempt Hay from taxation" was read a 3rd time and passed by the following vote:

Ayes—Barbour, Brooke, Combs, Cornick, Hamilton, Harrington, Marion, McCormick, McElroy, Sanders, Steell, Sweeney, Mr. Speaker - 13.

Noes—Beach, Boyer, Edwards, Fergus, Forbis, Mood, Noyes, Perkins, Robinson, Stuart, Thorpe, Wilson - 12. Absent with leave Mr. Boardman.

Title was agreed to.

H.B. 25—"An Act to amend an Act in relation to irrigation and Water-rights" was read a 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Steell, Stuart, Sweeney - 20.

Noes—Forbis, Sanders, Thorpe, Wilson, Mr. Speaker - 5. Absent with leave Mr. Boardman.

Title was agreed to.

H.B. 11—"An Act to amend Sec. 9 of Chapter 37, of an Act entitled an Act revising, re-enacting and codifying the general and permanent laws of Montana Territory" was read a 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Harrington, Marion, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Mr. Speaker - 20.

Noes—McCormick, Sweeney, Thorpe, Wilson - 4. Absent Hamilton. Absent with leave Mr. Boardman.

Title was amended to read "An Act in relation to the qualification of jurors".

On motion of Mr. McCormick the House adjourned until 10 O'clock A.M. February 10th, 1879.

TWENTY NINTH DAY

House of Representatives
February 10th, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of twenty seventh day read and approved.

The Committee on Ways and Means reported as follows:

Mr. Speaker,

Your Committee of Ways and Means to whom was referred House Bill No. 43 beg leave to report that they have had the same under consideration and recommend that the same do pass as amended. All of which is respectfully submitted.

McCormick
Chairman

The bill was referred to the Committee on Engrossment.

The Committee on Territorial Affairs reported as follows:

Mr. Speaker,

Your Committee on Territorial Affairs to whom was referred C.B. No. 14 having had the same under consideration beg leave to report the same back to the House with the following amendments to wit:

Amend Section 1st by adding as follows, "An within 90 days before the time when such contract shall expire the Governor may renew the same on terms alike advantageous to the Territory for the further period of not exceeding two years, unless otherwise prohibited by".

Amend Section 4 by inserting in the 5th line between the words "Keeping" and "if" the following words, "An in case of death the necessary expenses of burial". Also amend Section 4 by striking out all after the 14th line thereof and insert in lieu thereof as follows, "Provided it shall be the duty of the Territorial Auditor previous to selling said Territorial Warrant to cause to be published in a newspaper published at the Seat of Government of this Territory at least four consecutive weeks before such sale a notice thereof specifying the amounts of warrants to be sold and the time and place of such sale." Amend Section 5 by adding thereto as follows.

"Provided that the Governor may make provision in such contract that the Warden or other officers of the United States having charge and control of said Territorial Prison may retain not to exceed 30 per cent of such proceeds as compensation for his services in keeping and rendering accounts of such labor and accounting to the Treasurer therefor." And your committee recommend that upon the bill being so amended that it pass.

Sweeney
Chairman

The amendments recommended were separately considered, adopted and ordered engrossed.

The Committee on the Judiciary reported as follows:

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 47—"A bill for An Act to establish and regulate the fees of Witnesses and Jurors and certain officers of Montana Territory" beg leave to report that it has considered said bill and recommend that it do not pass.

Robinson
Chairman

The bill was referred to the Committee on Engrossment.

Mr. Robinson from the Judiciary Committee reported as follows:

Mr. Speaker,

The Judiciary Committee to which was referred C.B. No. 18—"A bill for An Act to amend Sec. 55 of the Probate Practice Act" beg leave to report that it has considered said bill and recommend that it do not pass.

Robinson
Chairman

Notices of the introduction of bills were given as follows:

By Mr. Steell,

A bill for an Act to establish and regulate the fees of County Superintendent of Common Schools.

By Mr. Robinson,

A bill for an Act regulating the fees and duties of County Commissioners. Also,

An Act to authorize the representatives of deceased persons to maintain actions for injuries to the deceased in certain cases. Also,

A bill for an act in relation to the duties of officers and a penalty for non performance thereof.

By Mr. Sanders,

A bill for an Act to create and improve Highways of travel in Montana.

The hour of half past ten A.M. having arrived the House went into Committee of the Whole. Mr. McCormick in the Chair, and proceeded to the consideration of H.B. 20—"An Act to Amend an Act entitled an Act providing for the collection of the Revenue approved January 12th, 1872" being the special order for that hour.

House resumed, Mr. Speaker in the Chair.

On motion House took a Recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

House went into Committee of the Whole and proceeded to further consider H.B. No. 20.

Mr. McCormick in the Chair.

House resumed. Mr. Speaker in the Chair.

On motion the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

THIRTIETH DAY

House of Representatives
February 11th, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the Council:

Council Chamber
February 8th, 1879

Mr. Speaker,

I am instructed by the Council to inform the House that Mr. Hickman introduced C.J.M. No. 1—"Asking the establishment of a Cavalry Post at Henry's Lake" and under a suspension of the Rules it has passed the Council.

H.J.M. 10—"Asking for the establishment of a U.S. Land Office at Miles City, Custer County" has passed the Council.

The Council has concurred in House amendments to C.B. 19—"An Act to provide for the support and maintenance of the Philipsburg fire department".

C.J.M. 1 & H.J.M. 10 aforesaid are transmitted.

Respectfully
Harry R. Comly
Chief Clerk

H.J.M. No 10 transmitted with the foregoing Message was ordered enrolled.

C.J.M. No. 1—"Asking establishment of Military post at Henry's Lake" was read a 1st and 2nd time and referred to the Committee on Federal Relations.

The following Message was received from the Council.

Council Chamber
February 10th, 1879

Mr. Speaker,

I am directed by the Council to inform the House that H.J.M. No. 8—"In relation to Military Telegraph from Deadwood Dakota to Ft. Ellis Montana" with amendments and

H.B. 28—"An Act for the relief of St. Johns Hospital" have passed the Council and are transmitted.

Respectfully
Harry R. Comly
Chief Clerk

On motion of Mr. Sanders the Council Amendments to H.J.M. No. 8 were concurred in the Memorial was ordered enrolled.

H.B. 28—"An Act for the relief of St. Johns Hospital" was ordered enrolled.

The following Message was received from the Council.

Council Chamber
February 10th, 1879

Mr. Speaker,

I am instructed by the Council to inform the House that Conrad gave notice of the introduction of a bill for "An Act to enable the County of Chouteau to erect a Brick Court House and build roads in said County". That C.C.R. 5 has passed the Council and is transmitted. That Parberry introduced C.B. 31—"An Act to provide for the collection of the special road & poor tax". That the following has passed the Council. H.B. 37—"An Act to provide compensation for the Fire Warden for the town of Helena" with amendments. That Council Substitute for H.J.M. No. 7 has passed the Council. That H.B. 39—"An Act to enable the people of Butte to erect a School House" was lost. C.C.R. 5, H.B. 37, H.J.M. 7 and Council Sub for H.J.M. 7 and H.B. 39, the four last named are transmitted.

Respectfully
Harry R. Comly
Chief Clerk

On motion the Council Amendments to H.B. 37 was concurred in and the Bill was ordered Enrolled.

C.C.R. 5—In relation to introduction of Bills & motion of Mr. Sanders its further consideration was indefinitely postponed.

The Committee on Enrollment reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that it has compared C.B. No. 19—"An Act to provide for the support and maintenance of the Philipsburg fire department" also H.J.M. No. 2—In relation to the Mullen wagon Road and find each of said bills correctly enrolled.

Forbis

C. (Subs) for H.J.M. No 7 was read and on motion of Mr. Stuart was adopted and ordered enrolled.

The following Message was received from the Council:

Council Chamber
February 10th, 1879

Mr. Speaker,

I am instructed by the Council to inform the House that Sedman introduced C.B. 32—"An Act concerning water". That H.J.M. No. 5—Also, C.B. 23—"An Act to amend an Act providing for the collection of Revenue" have passed the Council and are transmitted.

Respectfully
Harry R. Comly
Chief Clerk

H.J.M. No 5 transmitted with foregoing Message was ordered Enrolled.

C.B. 23—"An Act to amend an Act providing for the collection of revenue" was read a 1st time and Mr. Robinson moved to suspend the Rules, read the bill a 2nd and 3rd time and put it upon its final passage which motion prevailed, the bill was so read by Title and passed by the following vote.

Ayes—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McElroy, Mood, Noyes,

Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 24.

Noes—None. Absent Barbour and McCormick.

Title was agreed to.

C.J.M. 2—In relation to the enlargement of the U.S. Penitentiary of Montana, was read a 1st time and Mr. Sweeney moved to suspend the Rules that the Memorial be read 2nd and 3rd time by Title and placed upon its final passage, which motion prevailed, the Memorial was so read and passed by the following Vote:

Ayes—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 23.

Noes—None. Absent Barbour, Hamilton, Robinson - 3.

Title was agreed to.

The following Message was received from the Council:

Council Chamber
February 8th, 1879

Mr. Speaker,

I am directed by the Council to inform the House that C.J.M. No. 2, "In relation to the enlargement of the U.S. Penitentiary of Montana" and C.B. 20—"An Act concerning foreign Incorporations" have passed the Council and are transmitted.

Respectfully
Harry R. Comly
Chief Clerk

C.B. 20—"An Act concerning foreign Incorporations" was read a 1st and 2nd time and referred to the Judiciary Committee.

C.B. No. 1—"An Act concerning limitations" was read a 3rd time and passed by the following vote.

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, Mood, Noyes, Perkins, Sanders, Steell, Stuart - 19.

Noes—McCormick, Robinson, Sweeney, Thorpe, Wilson, Mr. Speaker - 6. Absent Mr. McElroy.

Title was agreed to.

C.B. No. 2—"An Act to provide for licensing Commerical Travelers" was read a 3rd time and Mr. McCormick moved that the bill be indefinitely postponed. Mr. Robinson moved that it be laid upon the Table, which motion was lost and the question being upon its indefinite postponement the motion was lost. The Bill was then put upon its final passage and lost by the following vote.

Ayes—Boardman, Brooke, Cornick, Forbis, Stuart, Sweeney - 6.

Noes—Barbour, Beach, Boyer, Combs, Edwards, Fergus, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Thorpe, Wilson, Mr. Speaker - 20.

Mr. Robinson gave notice of motion to re-consider. Mr. McCormick moved that the House reconsider the vote by which C.B. No. 2 was passed which

motion, upon motion of Mr. Sanders was laid upon the table by the following vote:

Ayes—Barbour, Beach, Boyer, Combs, Cornick, Edwards, Fergus, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Sanders, Steell, Thorpe, Wilson, Mr. Speaker - 19.

Noes—Boardman, Brooke, Forbis, Hamilton, Robinson, Stuart, Sweeney - 7.

On motion the House took a Recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

C.B. 18—"An Act to amend Sec. 55 of the Probate practice Act" was read a 3rd time and lost by the following vote:

Ayes—Sweeney - 1.

Noes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Thorpe, Wilson, Mr. Speaker - 22. Absent McElroy, McCormick, Cornick.

C.B. 14—"An Act to authorize the Governor to contract for the keeping and maintaining of the Territorial Convicts in the U.S. Penitentiary at Deer Lodge" was read a 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—None. Absent Mr. McElroy.

Title was agreed to.

C.B. 4—"An Act to provide for funding the outstanding 12% Bonds of Jefferson Co. M.T." was read a 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—None.

Title was amended to read, "An Act to provide for funding the Bonds of Jefferson Co. M.T."

The Committee on Enrollment reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment have examined and compared H.B. No. 36—"An Act to regulate the sale of intoxicating liquors", also H.B. No. 1—"An Act in relation to Notaries Public", also H.J.M. No. 9—"Asking for additional improvements on the Yellowstone and Upper Mo. River" and hereby report the same correctly enrolled.

Forbis

Mr. Speaker announced that he was about to sign H.B. 1—"An Act in regard to Notaries Public", also that he was about to sign H.B. 36—"An Act to regulate the sale of intoxicating liquors", also H.J.M. 2—"In relation to repair of Mullen Road", also H.J.M. 9—"Asking additional improvements on the Yellowstone and Upper Missouri Rivers."

H.B. 3—"An Act in relation to Swine" was ordered enrolled.

Mr. Noyes presented a Petition from Citizens of Deer Lodge Co. in relation to exempting R R's from taxation.

The Committee on Printing reported as follows:

Mr. Speaker,

Your Committee on Printing to whom was referred Substitute for H.B. No. 13—"An Act concerning diseased animals" and H.B. No. 46—"A bill for "An Act to regulate the fees of Probate Judge and Clerks of the Probate Court and Executors and Administrators" also H.B. No. 50—"An Act to define the qualifications of Members of the Legislative Assembly and for other purposes" and also H.B. No. 59—"An Act amending the Code of Civil Procedure" have examined the same and find them correctly printed.

Harrington

The Bills reported correctly Printed were referred as follows:

H.B. 50—To the Judiciary Committee.

H.B. 13—To the Grazing and Stock-growing Committee.

H.B. 46—and H.B. 59 to the Judiciary Committee.

Mr. McCormick, Chairman of the Committee of the Whole on H.B. No. 20 reported as follows:

Mr. Speaker,

Your Committee of the Whole House to which was referred H.B. 20—"An Act to provide for the taxation of the proceeds of Mines" has had the same under consideration and has instructed me to report the same back to the House with the following Amendments to wit: Amend Section one (1) by inserting after the from in line "Four" printed copy of the bill the words "each of". Amend by adding the following to section Two of the bill "Provided that the expenditures referred to herein shall not include the salaries or any portion thereof of the Officers of any Corporation not actually engaged in the working of such Mine or Mines or personally Superintending the management thereof. Also amend Section five by inserting before the words "quartz lead" in line one printed copy of the bill, the words "Placer Claims". Also amend said section by inserting after the word "Lode" in line two printed copy of the bill the following "except to the extent of the price paid for any Mining claim in obtaining Patent therefor from the Government of the United States". Also amend said section by striking out the word "permanent" after the word taxation in line three printed copy of the bill. Also add the following to Section five of the Bill "Provided further that the Assessor shall at the time of Assessing any person, firm, corporation or association have the power to examine the books and accounts of such person, firm, corporation or Association to fully satisfy said Assessor that he has been furnished with a truthful report and if satisfied from such examination that the report is false he shall assess the same at the true amount of the net proceeds so near as he can arrive at the same, provided that no one by virtue of the provisions of this act shall be deprived of his right to appear before the proper Board of

Equalization as other tax payers under existing laws." Amend by striking out Section six (6). The Committee recommend that the above amendments to the Bill be adopted and as thus amended the bill do pass. All of which is respectfully submitted.

McCormick

Mr. McCormick moved that the Amendments reported be adopted which motion prevailed and the bill was ordered engrossed.

The Judiciary Committee reported as follows:

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 48—A bill for "An Act to provide for keeping the Records of the District Court at the County Seats of the Counties where such Courts may be held" beg leave to report said bill back without any recommendation.

Robinson
Chairman

Mr. Robinson moved that the Rules be suspended, the bill be considered engrossed and filed for 3rd reading which motion prevailed.

The Judiciary Committee reported as follows;

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 33—A bill for "An Act concerning the appropriation of money collected for license tax" beg leave to report the same back without recommendation.

Robinson
Chairman

On motion of Mr. McCormick the rules were suspended, the bill considered engrossed and placed on Calendar for 3rd reading.

Mr. Robinson presented the following report.

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 42—A bill for "An Act to provide compensation for the Clerks of the District Courts" beg leave to report that it has considered said bill and recommend that the same be amended by striking the word "general" out of section one and in lieu thereof insert the word "contingent". Also add to section three as follows "For making transcripts on appeal where they exceed seventy five folios ten cents per folio for all in excess of seventy five folios." Amend Section five by adding thereto as follows: "The moneys so paid to the said Clerks or their Deputies shall be forthwith paid into the County Treasury to the credit of the contingent fund thereof except that in the County of Missoula it shall be credited to the current expense fund." And strike out the words "ten dollars" where they occur in said section and in lieu thereof insert "seven dollars and fifty cents" and strike out the words "five dollars" and in lieu thereof insert "two dollars and fifty cents". And with said amendments, said Committee recommend that said bill do pass.

Robinson
Chairman

On motion of Mr. Marion the Amendments reported were adopted.

The Bill was then referred to the Committee on Engrossment.

The Committee on Ways and Means reported as follows:

Mr. Speaker,

Your Committee on Ways and Means to which was referred C.B. No. 27—"An Act to provide for the collection of Revenue approved January 12th, 1872" have had the same under consideration and beg leave to report the same back to the House with the recommendation that the bill do pass.

McCormick
Chairman

The Committee on Internal Improvements made the following majority and minority reports.

Mr. Speaker,

Your Committee on Internal Improvements to which was referred H.B. No. 31—"A bill for "An Act to encourage the construction of Rail Roads in Montana" has had the said bill under consideration and reports the said bill back to the House with the recommendation that it be considered in Committee of the Whole House at such time as the House shall direct. All of which is respectfully submitted.

W.F. Sanders, Chairman
S.B. Cornick
E.G. Brooke
E.H. Combs

The minority report was as follows:

Mr. Speaker,

A minority of your Committee upon Internal Improvements to whom was referred House Bill No. 31—"A bill for "An Act to encourage the construction of Rail Roads in the Territory of Montana" beg leave to report that I have duly considered said bill and recommend that it do not pass.

A.B. Hamilton

Mr. Robinson moved to adopt the minority report. Mr. McCormick moved to amend by adopting the majority report which motion was lost and the Ayes and Noes being called for the minority report was adopted by the following vote:

Ayes—Beach, Boyer, Edwards, Forbis, Hamilton, Harrington, Marion, McElroy, Noyes, Perkins, Robinson, Sweeney, Thorpe, Wilson - 14.

Noes—Barbour, Boardman, Brooke, Combs, Cornick, Fergus, McCormick, Mood, Sanders, Steell, Stuart, Mr. Speaker - 12.

Mr. Robinson moved to suspend the Rules, consider the bill engrossed and place it upon its final passage which motion was lost.

Mr. McCormick moved that the bill be made the special order in Committee of the Whole on Thursday next at 10:30 O'clock A.M.

Mr. Hamilton moved to amend by making the bill the Special Order at 10:30 O'clock A.M. February 20th 1879 and the Ayes and Noes being called for, the motion prevailed by the following vote:

Ayes—Beach, Boyer, Edwards, Forbis, Hamilton, Harrington, Marion, McElroy, Noyes, Perkins, Robinson, Sweeney, Thorpe, Wilson - 14.

Noes—Barbour, Boardman, Brooke, Combs, Cornick, Fergus, McCormick, Mood, Sanders, Steell, Stuart, Mr. Speaker - 12.

The Committee on Indian Affairs reported as follows:

Mr. Speaker,

Your Committee upon Indian Affairs to whom was referred House bill No. 60—A bill for "An Act creating and organizing the Militia" beg leave to report that they have examined said bill and recommend the following amendments viz: After the word "several" in the 8th line Sec. 3, insert the words "brigades and", and strike out the words "and companies" in the 9th line of said Section and insert after the word "Captains" in said line the words "and lieutenants" and insert after the word "Companies" in the 10th line of said Section the words, "shall be elected by the members of their respective companies and commissioned by the Governor and such Captains or lieutenants in command".

Strike out the word "thirty" in the 7th line of section 6 and insert the word "twenty". Strike out the word "officers" in the 10th line and insert "Commissioned" and strike out the word "Officer" in the 12th line and insert the word "Commissioned" and strike out all after the word "Act" in the 13th line and before the word "and" in the 16th line of said section. Add to the bill the following section 16. In case of any breach of the peace, riot, turmoil, resistance of process, or apprehension of eminent danger of the same, it shall be lawful for the Sheriff of any County, or the Mayor of any city, to call for aid from any brigade, regiment, battalion or company. And shall be the duty of the Commander of such brigade, regiment, battalion or company to whom such order is given to order out, in aid of the civil authorities, the military force or any part thereof under his command. Such officer shall be subject to the Sheriff or public officer so requiring his service. And for refusing or neglecting to obey the order of the Sheriff or public officer, or hindering or preventing his men performing such duty, every Military officer so offending shall be liable to a fine to be paid into the military fund of the company of not more than five hundred dollars and imprisonment in the County Jail for a period of not more than three months. And in addition thereto such officer shall be liable to be tried by Court Martial and sentenced to be cashiered and incapacitated forever after for holding any military commission in this Territory. Any Non-Commissioned Officer or private like offending shall be subject to a fine of not more than fifty dollars to be recovered in action of debt and paid into the military fund of the company, deducting legal cost and charges. And with these Amendments Your Committee recommend that said bill do pass.

Hamilton
Chairman

Mr. Sanders offered the following amendment to the bill: Strike out words charging expenses to the Territory where they occur in the bill and insert, Provided that all the expenses of keeping up said Militia organization shall be borne by the officers and soldiers comprising the same. On motion of Mr. Hamilton the bill and Amendment were re-committed to the Committee on Military Affairs.

Mr. Beach presented the following report.

Mr. Speaker,

A majority of your select Committee consisting of the Undersigned beg leave to report that they have had under consideration H.B. No. 30—"An Act in relation to fees of County Clerks" together with the substitute therefor

reported by the Judiciary Committee and recommend that the Substitute be amended by striking out all that portion of Sec. 1 of said Substitute after the words "to wit" where they occur in said section and insert in lieu thereof the following.

In the County of Deer Lodge nine hundred dollars, in the county of Lewis and Clarke nine hundred dollars, in the County of Madison seven hundred dollars, in the County of Beaverhead five hundred dollars, in the County of Missoula five hundred dollars, in the County of Jefferson six hundred dollars, in the County of Gallatin five hundred dollars, in the County of Meagher seven hundred dollars, in the County of Chouteau five hundred dollars, and in the County of Custer four hundred dollars. And as so amended Your Committee recommend that said substitute be adopted and do pass.

E. Beach
John F. Forbis
Perkins
Marion

H.H. Mood
A.B. Hamilton
J.T. Thorpe
E. Wilson

Mr. Sanders moved to amend the Amendment of the Committee as follows:

Strike out "seven" where it occurs after word Meagher and insert the word "six" in lieu thereof, which amendment was adopted. Mr. Boyer moved to amend the Amendment reported from the Committee by striking out the word "seven" after the word Madison and insert "nine" which motion was lost. Mr. Sanders moved to strike out the "seven" after the word Madison and insert the word "eight" which motion prevailed. Mr. Sanders moved to strike out the word "nine" after the words Lewis and Clarke and insert "eight" which motion was lot.

Mr. McCormick offered the following Amendment to the Amendment reported by the Committee.

1st. Strike out after the word Missoula the word "five" and insert "four".

2nd. Strike out the word "six" after the word Jefferson and insert "four".

3rd. Strike out the word "five" after the word Gallatin and insert "six".

4th. Strike out after the word Chouteau the word "five" and insert "four".

A division of the question being called for the 1st, 2nd & 4th subdivisions of the Amendment were adopted and the 3rd subdivision was rejected.

The Bill as amended was ordered engrossed.

On motion of Mr. Mood the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

THIRTY FIRST DAY

House of Representatives
February 12th, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Notices of the introduction of bills were given as follows.

By Mr. Harrington,

A bill for "An Act relating to Placer and other Mining Claims".

By Mr. Edwards,

"A bill concerning Licenses".

The following Message was received from the Council.

Council Chamber
February 11th, 1879

Mr. Speaker,

I am directed by the Council to inform the House that H.B. 35—"An Act to amend an Act concerning Crimes and punishments" has passed the Council with Amendments and is transmitted. Hays introduced C.B. 33—"An Act to provide for printing Marks and Brands".

Respectfully
Harry R. Comly
Chief Clerk

On motion of Mr. Hamilton the House concurred in Council Amendments to H.B. 35—"An Act to amend an Act concerning Crimes and punishments" and the bill was ordered enrolled.

Mr. Brooke introduced H.B. 61—"An Act to tax dogs" which was read a 1st time and Mr. Sanders moved to reject the bill which motion was lost, the bill read a 2nd time and referred to the Committee on Ways and Means.

Mr. Steell introduced H.B. 62—"An Act to consolidate the Office of Territorial Superintendent of Public Instruction with the Office of Territorial Auditor" which was read a 1st and 2nd time and Mr. Steell moved to suspend the Rules, consider the bill engrossed and place it upon its final passage, which motion was lost and on motion of Mr. McCormick the Bill was referred to the Committee on Education and Labor.

Mr. Brooke introduced H.B. 63—"An Act to amend Sec. 48 of the Montana School Law" which was read a 1st and 2nd time and referred to the Committee on Education and Labor.

Mr. Steell introduced H.B. No. 64—A bill for "An Act fixing the rate of Toll for grinding grain" which was read a 1st and 2nd time and Mr. Sanders moved to amend by striking out the words "Christian and" where they occur in Sec. 2 of the Bill, which motion prevailed and the Bill was referred to the Committee on Towns and Counties.

Mr. Thorpe introduced H.B. 65—"An Act to amend Sec. 3 of an Act authorizing the holding of County Teachers Institutes" which was read a 1st and 2nd time and referred to the Committee on Education and Labor.

Mr. Thorpe introduced H.J.R. No. 5, In relation to information concerning Montana which was read a 1st time and Mr. Sweeney moved that it be rejected which motion was lost. The Resolution was read a 2nd time and Mr. Robinson moved to suspend the Rules, consider the "Res" engrossed and read 3rd time by Title and put it upon its final passage, which motion prevailed the "Res" was so read and passed by the following vote:

Ayes—Barbour, Boardman, Beach, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Thorpe, Wilson, Mr. Speaker - 24.

Noes—Harrington, Sweeney - 2.

Title was agreed to.

The following Message was received from the Governor.

Territory of Montana, Executive Department
Helena, February 12th, 1879

To the Legislative Assembly,

The following is a copy of a Telegram received at this office.

New York, February 11th, 1879

Gov. B.F. Potts, Helena

Make Territorial Bonds Eight per cent—ten years—payable New York. Will take them par.

(Signed) The Corbis Banking Company

Respectfully
B.F. Potts

By leave of the House Mr. McElroy introduced H.B. 66—"An Act to exempt the wages of laborers from Attachment" which was read a 1st and 2nd time and referred to the Judiciary Committee.

H.B. 33—"An Act concerning the appropriation of moneys collected for license taxes" was read a 3rd time and Mr. Sanders moved that its further consideration be made the Special Order for 2½ O'clock P.M. February 14th 1879, which motion prevailed.

H.B. 48—"An Act to provide for keeping the Records of District Courts at the County Seats where such Courts are held" was read a 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boyer, Brooke, Combs, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sweeney, Thorpe, Wilson, Mr. Speaker - 18.

Noes—Boardman, Cornick, Edwards, Fergus, Forbis, Sanders, Steell, Stuart - 8.

Title was agreed to.

On motion of Mr. Forbis the House took a recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

The Committee on Engrossment reported as follows.

Mr. Speaker,

Your Committee on Engrossment to whom was referred Substitute for H.B. No. 20 with amendments have examined the same and find it correctly engrossed as amended.

Harrington
Chairman

Also as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred H.B. No. 43—A bill for "An Act to provide for the payment of certain expenses" with Amendments and H.B. No. 47—"An Act to establish and regulate the fees of Witnessess, Jurors and certain officers of Montana Territory" have examined the same and find them correctly engrossed.

Harrington

C.B. 27—"An Act to repeal Sec. 6 of an Act to provide for the collection of Revenue approved Jan 12th 1872" was read a 3rd time and passed by the following vote.

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 25.

Noes—None. Absent Mr. Forbis.

Title was agreed to.

By leave of the House Mr. Steell offered the following amendment to House bill 42—"An Act to provide compensation for the Clerks of the District Courts".

Amend by inserting after the word "service" in line 2, printed copy of the bill, "in civil or criminal causes and in special proceedings in the nature of an action", which amendment was lost and the Bill was re-committed to the Engrossment Committee.

Mr. Noyes moved to reconsider the Vote by which H.B. 31 was made Special Order for February 20th 1879.

Which motion Mr. Harrington moved to lay upon the Table and the Ayes and Noes being called for the motion to lay upon the Table was lost by the following vote:

Ayes—Boyer, Edwards, Hamilton, Harrington, Marion, McElroy, Perkins, Robinson, Sweeney, Thorpe, Wilson - 11.

Noes—Barbour, Beach, Boardman, Brooke, Combs, Cornick, Fergus, Forbis, McCormick, Mood, Noyes, Sanders, Steell, Stuart, Mr. Speaker - 15.

The Ayes and Noes were then called for on the motion to reconsider the

vote by which H.B. 31 was made Special Order for February 20th 1879 when the motion prevailed by the following vote:

Ayes—Barbour, Beach, Boardman, Brooke, Combs, Cornick, Fergus, Forbis, McCormick, Mood, Noyes, Sanders, Steell, Stuart, Mr. Speaker - 15.

Noes—Boyer, Edwards, Hamilton, Harrington, Marion, McElroy, Perkins, Robinson, Sweeney, Thorpe, Wilson - 11.

Mr. Sanders moved to recommit the bill to the Committee on Internal Improvements.

Mr. Robinson moved to postpone the consideration of the bill until 10½ O'clock A.M. February 13th 1879, which motion prevailed.

Mr. Robinson moved to suspend the Rules and proceed to the consideration of H.B. 20—“An Act to provide for the taxation of the proceeds of mines” and the Ayes and Noes being called for the motion was lost by the following vote:

Ayes—Barbour, Boardman, Boyer, Cornick, Forbis, Hamilton, Marion, McCormick, McElroy, Noyes, Robinson, Sweeney, Thorpe, Mr. Speaker.

Noes—Beach, Brooke, Combs, Edwards, Fergus, Harrington, Mood, Perkins, Sanders, Steell, Stuart, Wilson.

On motion the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

THIRTY SECOND DAY

House of Representatives
February 13th, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Journal of yesterday read and approved.

The Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred Substitute for H.B. No. 30—"An Act in relation to the fees of County Clerks" have examined the same and find it correctly engrossed.

Harrington

The Committee on Printing reported as follows:

Mr. Speaker,

Your Committee on Printing to whom was referred H.B. No. 58—A bill for "An Act in relation to corporations and H.B. No. 51—A bill for "An Act in relation to Public Administrator" also H.B. No. 56—"An Act amending the Town Site law" and H.B. No. 57—A bill for "An Act to amend An Act entitled An Act concerning Crimes and punishments" have examined the same and find them correctly printed.

Harrington

The bills reported correctly printed and accompanying the report were referred as follows:

H.B.'s 58, 57 & 51 to the Judiciary Committee and H.B. 56 to the Committee on Towns and Counties.

The Committee on Enrollment reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that it has examined and compared H.B. No. 4—"An Act to provide for the redemption of the funded indebtedness of Gallatin Co." also H.B. No. 28—"An Act for the relief of St. Johns Hospital" also H.B. No. 37—"An Act to provide compensation for the Fire Warden for the town of Helena" also H.B. No. 3—"An Act in relation to Swine" and find each of said Acts correctly enrolled.

Forbis

Mr. Speaker announced he was about to sign H.B. 4—"An Act to provide for the redemption of the funded indebtedness of Gallatin County", also

H.B. 37—"An Act to provide compensation for the Fire Warden of the Town of Helena" also

H.B. 28—"An Act for the relief of St. Johns Hospital" also

H.B. 3—"An Act in relation to Swine".

The Committee on Federal Relations reported as follows:

Mr. Speaker,

Your Committee on Federal Relations to which was referred Council Joint Memorial No. 1 have had the same under consideration and would recommend the following Amendments. Strike out the word "summer" in the seventh line. Insert after the word "Yellowstone" in the fourteenth line the words "And it is by this route that all the hostile Indians in Southern Montana or Idaho will in the future endeavor to make their way to the valley of the Yellowstone and from thence to British America, it being the only route north of the South Pass that is now open to their passage". Insert after the word "season" in 22nd line the words, "In which case they will undoubtedly try to make their way to the north and east by way of Henry's Lake and Clarks Fork of the Yellowstone".

Insert after the word "are" in the twenty fourth line the word "largely".

Strike out the word "Summer" in the thirty first line and insert in lieu thereof the word "Cavalry". Strike out the word "Southern" in the thirty fourth line and insert the word "eastern" in lieu thereof.

And as thus amended would recommend that the Memorial do pass.

Stuart
Chairman

On motion of Mr. Stuart the Amendments recommended by the Committee be adopted. Amendments were ordered engrossed.

The Committee on Grazing and Stock-growing reported as follows:

Mr. Speaker,

Your Committee on Grazing and Stock-growing to whom was referred H.B. No. 13—"An Act concerning diseased animals" have had the same under advisement and respectfully return the same without recommendation.

Brooke
Chairman

Also as follows:

Mr. Speaker,

Your Committee on Grazing and Stock-growing to whom was referred H.B. No. 6—"To require Butchers to record brands and marks" have had the same under consideration and herewith submit substitute and recommend that the same do pass.

Brooke
Chairman

Mr. Sanders moved to suspend the Rules and that H.B. 13 reported from the Committee on Grazing and Stock-growing be considered engrossed and filed for 3rd reading, which motion prevailed and the bill was so filed.

On motion of Mr. Harrington the Substitute reported by the Committee on Grazing and Stock-growing for H.B. No. 6 was adopted and the Substitute was ordered engrossed for 3rd reading.

The Committee on Ways and Means reported as follows:

Mr. Speaker,

Your Committee on Ways and Means to which was referred H.B. No.

2—"An Act to provide for the bonding of the floating debt and for the refunding of the bonded debt of Missoula County and for other purposes" have had the same under consideration and beg leave to report the same back with accompanying Substitute and recommend that the Substitute be referred to the Committee on Printing.

McCormick
Chairman

Report was adopted and the Substitute referred accordingly.

The hour of 10½ O'clock A.M. having arrived the House proceeded to the consideration of H.B. 31—"An Act to encourage the construction of R R's in Montana" being the Special Order for that hour.

Mr. Fergus presented a petition from Citizens of Lewis and Clarke Co. in relation to exempting R R's from taxation.

Mr. McCormick moved to refer the Bill to a Select Committee of five. Mr. Forbis moved to make the bill the Special Order in Committee of the Whole at 10½ O'clock A.M. tomorrow. And the Ayes and Noes being called for the motion prevailed by the following Vote:

Ayes—Barbour, Beach, Boardman, Combs, Cornick, Fergus, Forbis, McCormick, Mood, Noyes, Sanders, Steell, Stuart, Mr. Speaker.

Noes—Boyer, Brooke, Edwards, Hamilton, Harrington, Marion, McElroy, Perkins, Robinson, Sweeney, Thorpe, Wilson - 12.

Mr. Boyer presented a Petition from Citizens of Madison County opposing subsidy to R R's.

The Judiciary Committee made the following majority and minority reports.

Mr. Speaker,

Your Committee on the Judiciary to which was referred H.B. No. 50—"An Act to define the qualifications of Members of the Legislative Assembly" have had the same under consideration and beg leave to report the same back to the House with the recommendation that it do not pass.

Robinson
Chairman

The minority report was as follows:

Mr. Speaker,

The undersigned a minority of the Judiciary Committee to which Committee H.B. No. 50—A bill for "An Act to define the qualifications of Members of the Legislative Assembly" being of the opinion that the purpose of the bill is to prevent the member of the two Houses from being the Representatives of personal and private interests and to deprive them in the respects indicated of a temptation to betray the interests confided to them as law makers is of the opinion that the bill should pass as amended. All of which is respectfully submitted.

W.F. Sanders

Mr. McCormick moved that H.B. 50 accompanying the reports be indefinitely postponed which motion was lost and the bill was referred to the Committee on Engrossment.

The Judiciary Committee reported as follows:

Mr. Speaker,

The Judiciary Committee to which was referred H.B. 14—A bill for "An Act to prescribe a Day of rest" beg leave to report that it has considered said Bill and recommend that the Substitute herewith accompanying do pass.

Robinson
Chairman

On motion of Mr. Brooke the Substitute reported was adopted. Mr. Steell moved to amend the Substitute by striking out Sec. 3 which amendment was lost. Mr. Forbis moved to amend by striking out Sec. 5 which amendment was lost.

Mr. Sanders moved to suspend the Rules and Consider the Substitute engrossed and place it on the Calendar for 3rd reading which motion prevailed and the bill was so filed.

The Judiciary made the following majority and minority reports.

Mr. Speaker,

A majority of your Committee on the Judiciary to which was referred H.B. No. 53—"An Act in relation to the fees of Sheriff" have had the same under consideration and beg leave to report the same back to the house with the following Amendment to wit: Strike out the words "twenty-five" in lines four and five of the bill and insert in lieu thereof the words "thirty five" and as thus amended a majority of your Committee recommend that the bill do pass.

Sanders
McCormick
Boardman

The minority report was as follows:

Mr. Speaker,

A minority of your Committee on the Judiciary to which was referred H.B. No. 53—"An Act in relation to the fees of Sheriff" have had the same under consideration and beg leave to report the same back to the House with the recommendation that it do not pass.

Robinson
Forbis

Mr. Hamilton moved to adopt the minority report and the yeas and nays being called for the motion was lost by the following vote:

Ayes—Barbour, Brooke, Cornick, Forbis, Hamilton, Marion, McElroy, Mood, Noyes, Robinson, Wilson, Mr. Speaker - 12.

Noes—Beach, Boardman, Boyer, Combs, Edwards, Fergus, Harrington, McCormick, Perkins, Sanders, Steell, Stuart, Sweeney, Thorpe - 14.

Mr. McCormick moved to adopt the report and amendments of the majority upon which motion the Ayes and Noes were called for and the motion prevailed by the following Vote:

Ayes—Beach, Boardman, Brooke, Combs, Edwards, Fergus, Harrington, McCormick, Mood, Perkins, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson - 16.

Noes—Barbour, Boyer, Cornick, Forbis, Hamilton, Marion, McElroy, Noyes, Robinson, Mr. Speaker - 10.

The Bill was ordered engrossed.

Mr. Speaker announced that he was about to sign C.B. 19—"An Act to provide for the support of the Philipsburg Fire Department".

The Judiciary Committee reported as follows:

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 45—A bill for "An Act authorizing Assessors to appoint a Deputy" beg leave to report that it has considered said bill and recommend the adoption of the Substitute herewith reported and which said committee recommend do pass.

Robinson
Chairman

On motion of Mr. Boardman the Substitute reported was adopted and on motion of Mr. McCormick the Rules were suspended the Substitute considered engrossed and filed for 3rd reading.

Mr. Sanders reported as follows:

Mr. Speaker,

Your Select Committee to which was referred H.B. No. 15—A bill for "An Act to re-apportion the Members of the Legislative Assembly" has had the same under consideration and a majority of the Committee report as follows:

In a Territory so large as Montana the reduction of the Members of the Legislative Assembly must necessarily prevent such a distribution of representatives as will be just to all the population of the Territory and yet permit each County with interests peculiar to itself to be represented in each house of the Legislative Assembly. By the Act creating the Territory it was provided that the distribution of Members among the several Legislative Districts should be based on the number of qualified voters as near as it was practicable. By an Act of congress approved June 19, 1878, the number of Representatives in the Council was reduced one and in the House of Representatives two and the ratio of their distribution changed from that of qualified voters to that of population. In the absence of a census this ratio is difficult of ascertainment. The conditions of the different Counties are so varied, some sparsely settled and other containing considerable towns, some occupied by families, while others but recently settled by laborers who are single in a larger proportion that we are denied any exact basis upon which to predicate a correct distribution of the Members. A majority of Your Committee has deemed it best that each County should have one representative in each House believing that small and single districts best secure independence of action and direct responsibility of the representatives to his constituents. The reduction of the number of Members, the new settlements in the Eastern portion of the Territory, with the influx of immigration to several settlements within the Territory has operated to lessen the number of Representatives accorded heretofore to several of the Counties, while those Counties have more than maintained their former population. In the distribution of Members, the majority of Your Committee has been guided by the number votes cast at the late election for Delegate in Congress as that vote is modified by the return of the County Superintendents of Schools of children of School age. Therby qualifying the distribution according to votes by what can be learned from our vital statistics of the distribution of families in the Territory. Your Committee has not hesitated to consider the situation of the County of Custer as exceptional. It is a new County organized in 1877 and but recently settled. It is remote from the other settlements of the Territory it being over 300 miles to the County seat of any other County.

So recent was its organization and such were the doubts as to the validity of that organization that it is not strange that officers within it, familiar with our laws were somewhat scarce while copies of the Statutes of Montana are not believed to be plenty there to this day.

Its vote returned to the Capital was only 352, while returns of 214 more votes were rejected by the Canvassers at the County seat for informality in the returns and we have no statistics as to the number of children of school age. Considering the distance of many of its inhabitants from the places where the votes were polled, it is but fair to presume that the votes polled, do not fully represent the measure of its population as compared with the votes polled in other Counties in the Territory. In pursuing the enquiry as to the precision with which the voters represent families no basis was accessible to Your Committee but the returns of children of school age and it is believed that the modification which those returns introduce is approximately fair and according to that basis of distribution, a majority of your Committee has prepared the accompanying Substitute for H.B. No. 15 and recommend that it be adopted and that as so amended the bill do pass. All of which is respectfully submitted.

W.F. Sanders
A.B. Hamilton
W.L. Perkins
E.G. Brooke
J.T. Thorpe

Mr. Robinson presented the following minority report.

Mr. Speaker,

The undersigned a minority of the Select Committee to which was referred H.B. No. 15—A bill for "An Act to reapportion the Members of the Council and House of Representatives" beg leave to submit a Substitute for said bill herewith accompanying which they recommend do pass.

Robinson
Boyer
Barbour

On motion of Mr. Robinson the further consideration of the bill and Substitute reported was made the Special Order in Committee of the Whole at half past 10 O'clock A.M. February 15th 1879.

Notices of the introduction of Bills were given as follows:

By Mr. Sanders of,

A bill for an Act concerning County Commissioners.

By Mr. Robinson of,

A bill to establish a Text Book Board.

By Mr. Combs of,

A bill concerning fences.

The following Message was received from the Council.

Council Chamber
February 12th, 1879

Mr. Speaker,

I am directed by the Council to inform the House that the following notices of the introduction of bills were given.

By Sanders—"An Act in relation to exemptions".

By Holter—"An Act to amend an Act to provide for the support, care and maintenance of the County sick and poor". That H.B. 12—"An Act prescribing a bounty for the destruction of certain animals" has passed the Council with Amendments. That H.B. 27—"An Act to repeal an Act prohibiting sale of liquors to soldiers" has passed the Council. That C.B. 25—"An Act to compensate Attorneys at law for public services" has passed the Council. That C.B. 28—"An Act to correct errors in references to Sections of the Code of Civil procedure" has passed the Council. The last 4 bills are transmitted.

Respectfully
Harry R. Comly
Chief Clerk

H.B. 27 transmitted from the Council was ordered enrolled.

Mr. Sanders moved that the House do not concur in Council Amendments to H.B. 12 and that the Council be requested to recede therefrom.

C.B. 25—"An Act to compensate Attorneys at law for public services" was read a 1st time and on motion of Mr. Sanders the bill was rejected.

C.B. 28—"An Act to correct errors in references to Sections of the Code of Civil procedure" was read a 1st and 2nd time and referred to the Judiciary Committee.

The following Message was received from the Council.

Council Chamber
February 12th, 1879

Mr. Speaker,

I am instructed by the Council to inform the House that Sanders gave notice of a bill entitled, "An Act in relation to printing". Conrad introduced a bill entitled, C.B. 35—"An Act to enable the County of Chouteau to erect a Brick Court House and build roads in said County". The Council refused to concur in House Amendments to C.B. 1—"An Act concerning limitations" and request the House to recede therefrom. The Council concur in House Amendment to title of C.B. 4—"An Act to provide for the funding the bonds of Jefferson County". The Council concur in House Amendments to C.B. 14—"An Act to authorize the Governor to contract for the keeping and maintaining the Territorial Convicts in the U.S. Penitentiary at Deer Lodge" except the Amendment to the proviso of Sec. 4 in which the Council refuses to concur and asks the House to recede therefrom. H.B. 34—"An Act to exempt Hay from taxation" was read 3rd time and lost. C.B. 29—"An Act to provide for Codification of the general laws of Montana Territory" has passed the Council.

Respectfully
Harry R. Comly
Chief Clerk

On motion of Mr. McCormick the House receded from its amendment to C.B. 14 in which the Council refuses to concur.

On motion of Mr. Sanders the House refused to recede from its Amendment to C.B. 1—"An Act concerning limitations".

Mr. Sanders moved that a Committee of two be appointed and that the Council be requested to appoint a like Committee to confer with the

Committee, upon the part of the House in regard to said Amendment which motion prevailed and Mr. Speaker appointed as such conference Committee upon the part of the House, Messrs. Sanders and Hamilton.

C.B. 29—"An Act to provide for the codification of the general laws of Montana Territory" was read a 1st and 2nd time and referred to the Judiciary Committee.

On motion of Mr. Hamilton the House took a recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

The following Message was received from the Council:

Council Chamber
February 13th, 1879

Mr. Speaker,

I am instructed by the Council to inform the House that the Council have had under consideration C.B. No. 4—"An Act to provide for the funding the bonds of Jefferson Co. M.T." and concurs in House Amendments to Title and in House Amendments to the body of the bill numbered 1 and 4 and to that portion of 3rd Amendment striking out the words "one hundred" Council refuses to concur in the 2nd Amendment and that portion of the 3rd Amendment striking out the words "five hundred and" and requests the House to recede therefrom. The bill is transmitted.

Respectfully
Harry R. Comly
Chief Clerk

Mr. Hamilton moved that the House recede from 2nd Amendment of the House to C.B. 4 in which Council has refused to concur which motion prevailed.

Mr. Sanders moved that the House insist on 3rd Amendment of the House to C.B. 4, in which the Council refuses to concur and request the appointment of a Committee of conference which motion prevailed and Mr. Speaker appointed as such Committee upon the part of the House, Messrs. Brooke and Wilson.

Mr. Forbis in the Chair.

Mr. McCormick introduced H.B. 67—"An Act to promote the fishing interests of M.T." which was read a 1st and 2nd time and Mr. Sanders moved to amend by inserting "so soon as the consent of the Territory of Washington can be obtained to the expenditure herein contemplated" after the word "expended" in line 5 of Sec. 1. The Amendment was adopted and the bill referred to the Engrossment Committee.

Mr. Robinson introduced H.B. 68—"An Act regulating the fees and duties of County Commissioners" which was read a 1st and 2nd time and Mr. Sanders moved to amend by striking out the word "ten" and inserting "six" which amendment Mr. Brooke moved to amend by inserting "eight" instead of "six" and the Ayes and Noes being called for the Amendment to the Amendment prevailed by the following Vote:

Ayes—Barbour, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Forbis, Hamilton, Harrington, McElroy, Mood, Noyes, Perkins, Robinson, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 20.

Noes—Beach, Fergus, Marion, McCormick, Sanders, Steell - 6.

The Ayes and Noes were then called for on the question of the adoption of the Amendment as amended, when the same was adopted as follows: Those voting Aye were—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, McElroy, Mood, Noyes, Robinson, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker. Those voting No were—Harrington, Marion, McCormick, Perkins, Sanders, Steell - 6.

On motion of Mr. Steell the following Amendment was adopted. Amend sec. 2 so that the time allowed read five days for March, June and September sessions and ten days for the December Session.

Mr. Beach moved to amend the bill as follows: Strike out word "four" in Sec. 2 and insert "two" which amendment was adopted and the bill was ordered engrossed.

Mr. Robinson introduced H.B. 69—"An Act prescribing the duties of certain officers and prescribing a penalty for non-performance of their duties" which was read a 1st and 2nd time and referred to the Judiciary Committee.

H.B. 70—"An Act to amend Chapter 61 of the laws of M.T." introduced by Mr. Robinson was read a 1st and 2nd time and referred to the Judiciary Committee.

Mr. Sanders introduced H.B. 71—"An Act to amend the Code of Civil procedure" which was read a 1st & 2nd time and referred to the Judiciary Committee.

Mr. Harrington introduced H.B. 72—"An Act in relation to Placer and other Mines" which was read a 1st and 2nd time and Mr. Robinson moved to amend as follows: Add to Section 1—That in locating such Claim the boundaries thereof shall be plainly and distinctly marked on the ground so that they can be readily traced. Amendment was adopted.

Mr. Noyes moved to amend as follows: "Where one or more claims are connected, work done on one claim will represent them all."

Mr. Sanders moved to amend the Amendment by inserting after word "are" the words "in the same mining district" which Amendment to the Amendment was adopted.

On motion of Mr. Harrington the Bill was indefinitely postponed.

Mr. Edwards introduced H.J.M. 11—"In relation to restoring portion of Crow Reservation to the Public Domain" which was read a 1st and 2nd time and on motion of Mr. Harrington the rules were suspended, the Memorial considered engrossed, placed upon its final passage and passed by the following vote:

Ayes—Barbour, Beach, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McElroy, Perkins, Sanders, Steell, Stuart, Thorpe, Mr. Speaker - 19.

Noes—None. Absent Boardman, McCormick, Mood, Noyes, Robinson, Sweeney, Wilson.

Title was agreed to.

Mr. Hamilton moved that the House reconsider the Vote by which it receded from its Amendment to C.B. 14, which motion prevailed.

On motion of Mr. Beach the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

THIRTY THIRD DAY

House of Representatives
February 14th, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of Mr. McCormick H.B. 20—"An Act to provide for the taxation of the proceeds of Mines" was taken up, read a 3rd time and Mr. Brooke moved a suspension of the Rules upon which the Ayes and Noes were called for and the motion lost by the following vote:

Ayes—Beach, Boyer, Brooke, Combs, Fergus, Hamilton, Harrington, Mood, Sanders, Steell, Stuart, Wilson - 12.

Noes—Barbour, Boardman, Cornick, Edwards, Forbis, Marion, McCormick, McElroy, Noyes, Perkins, Robinson, Sweeney, Thorpe, Mr. Speaker - 14.

Mr. McCormick called for the previous question which call being sustained the bill was placed upon its final passage and lost by the following vote:

Ayes—Barbour, Boardman, Combs, Cornick, Forbis, Marion, McElroy, Noyes, Robinson, Stuart, Sweeney, Mr. Speaker - 12.

Noes—Beach, Boyer, Brooke, Edwards, Fergus, Hamilton, Harrington, McCormick, Mood, Perkins, Sanders, Steell, Thorpe, Wilson - 14.

Mr. Sanders gave notice that he would on to-morrow move a reconsideration of the vote by which the bill was lost.

The following Message was received from the Governor.

Territory of Montana
Executive Department
Helena February 14th, 1879

Hon. Samuel Word, Speaker of the House of Representatives
Sir,

I have the honor to inform the House of Representatives that I have approved the following Bills, to wit: H.B. No. 1—"Entitled An Act in relation to Notaries Public". H.B. No. 3—"Entitled An Act in relation to Swine".

Respectfully
B.F. Potts

The hour of half past 10 O'clock A.M. having arrived the House went into Committee of the Whole. Mr. McCormick in the Chair and proceeded to consider H.B. 31—"An Act to encourage the construction of R R's in Montana" being the special order for that hour.

House resumed.

Mr. Speaker in the Chair.

On motion of Mr. Thorpe the House took a Recess until 2 O'clock.

2 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

The following Message was received from the Governor.

Territory of Montana
Executive Department
Helena February 14th, 1879

Hon. Samuel Word, Speaker of the House of Representatives
Sir,

I have received H.B. No. 28—Entitled "An Act for the relief of St. Johns Hospital". This Bill provides for compensation for the maintenance, etc. of Smith and Coppie in St. John's Hospital. I am not informed as to the merits of this Bill and respectfully request that a copy of the report of the Committee that reported the Bill, with the evidence be transmitted to this Office.

Very Respectfully
B.F. Potts

On motion of Mr. Sanders the Clerk was directed to furnish to the Governor a Copy of the report of the Committee on Territorial Affairs on H.B. 28.

By leave of the House the following Bills were introduced.

By Mr. Forbis,

H.B. 75—A bill for "An Act in relation to Insane Convicts".

By Mr. Harrington,

H.B. 74—A bill for "An Act to enable Meagher Co. to remove the County Seat".

By Mr. Sanders,

H.B. 73—A Bill for "An Act to pay certain Indebtedness".

The Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred Substitute for H.B. No. 6—"An Act to compel Butchers to record brands" and H.B. No. 42—A bill for "An Act to provide compensation for the Clerks of the District Courts", also H.B. No. 68—A bill for "An Act regulating the fees and duties of County Commissioners" and H.B. No. 50—"An Act to define the qualifications of Members of the Legislative Assembly" and also, H.B. No. 67—A bill for "An Act to promote the fishing interests of Montana Territory" have examined the same and find them correctly engrossed.

Harrington

Mr. Sweeney reported as follows:

Mr. Speaker,

Your Committee on Territorial Affairs to whom was referred H.B. No. 40 beg leave to report the same back to the House recommending the following Amendment.

Section 3. That the Superintendent of Public Instruction shall receive seven hundred dollars salary per annum to be paid quarterly out of the Territorial Treasury, by warrant drawn on the general fund. Also actual traveling expenses necessarily incurred in Official business, when visiting the several Counties, to be audited by the Auditor of the Territory upon the sworn statement of the Superintendent of Public Instruction. Which sum shall not exceed Three Hundred Dollars.

Section 4. All Acts and parts of Acts relating to pay or Salary of Territorial Treasurers, Auditor and Superintendent of Public Instruction are hereby repealed. And Your Committee recommend that upon this bill being so amended that it do pass.

Sweeney
Chairman

The bill was referred to the Committee on Education and Labor.

The following Message was received from Council.

Council Chamber
February 14th, 1879

Mr. Speaker,

I am instructed by the Council to inform the House that the following bills were introduced.

By Sanders,

C.B. 37—"A bill in relation to printing."

By Conrad,

C.B. 38—"An Act to prohibit the stacking of hay in Towns."

The Governor communicated his approval of C.B. 8, C.B. 17, C.B. 19 and C.B. 3.

The Council recedes from its Amendments to H.B. 12—"An Act prescribing a bounty for the destruction of certain animals".

The Council recedes from its action refusing to concur and has concurred in House Amendment to C.B. 14—"An Act to authorize the Governor to contract for the keeping and maintaining of the Territorial Convicts in the U.S. Penitentiary at Deer Lodge".

The Council has appointed Messrs. Conrad and Holter a Committee of conference on C.B. 1—"An Act concerning limitations" and the bill has been handed to the Committee. Also Messrs. Sanders and Hays on C.B. 4—"An Act to provide for the funding the bonds of Jefferson County M.T." The bill has been handed to the Committee. The Council refuses to concur in House Amendments to C.B. 5—"An Act to incorporate the town of Butte" and has appointed Messrs. Hyde and Ives a Committee of conference thereon and requests the House to appoint a like Committee.

Respectfully
Harry R. Comly
Chief Clerk

On motion of Mr. Robinson the House complied with request of Council for

a Committee of conference on C.B. 5.

Mr. Speaker appointing as such Committee on the part of the House Messrs. Forbis and Cornick.

And the Bill was referred to said Committee.

H.B. 12—"An Act prescribing a bounty for the destruction of certain animals" was ordered enrolled.

H.B. 14—"A bill prescribing a day of rest" was read a 3rd time and Mr. Brooke moved a Call of the House. Roll called. Absent Mr. Barbour.

Sergeant-at-Arms was directed to bring in Absentee.

On motion of Mr. Brooke further proceedings under the Call of the House were dispensed with. And the Ayes and Noes being called, H.B. 14 was passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Forbis, Hamilton, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Sweeney, Thorpe, Wilson, Mr. Speaker - 22.

Noes—Fergus, Harrington, Steell, Stuart - 4.

Title was amended to read "A bill for an Act to prescribe a day of rest".

On motion of Mr. Sanders the Rules were suspended and H.B. 33—"An Act concerning the appropriation of moneys collected for license taxes" was recommitted to the Committee on Ways and Means.

The Enrollment Committee reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that:

H.B. No. 1—"An Act in relation to Notaries Public". H.B. No. 4—"An Act to provide for the refunding of the bonded indebtedness of Gallatin County." H.B. No. 28—"An Act for the relief of St. John's Hospital". H.B. 36—"An Act to regulate the sale of intoxicating Liquors". H.B. 37—"An Act to provide compensation for the Fire Warden of the Town of Helena". Also C.B. No. 3—"An Act to provide compensation for certain printing". C.B. No. 12—"An Act to enlarge Homesteads". C.B. No. 17—"An Act to amend Secs. 535 & 555 of an Act relating to Probate Courts, Estates of Deceased persons approved February 9th 1877". Also C.B. No. 19—"An Act to provide for the support and maintenance of the Philipsburg Fire Department"—were delivered to the Governor at 4:10 P.M. February 13th 1879.

Forbis

On motion of Mr. McCormick the House went into Committee of the Whole on H.B. 31—"An Act to encourage the construction of R R's in Montana". Mr. McCormick in the Chair.

House resumed, Mr. Speaker in the Chair.

H.B. 30—"An Act in relation to the fees of County Clerk" being before the House for 3rd reading. Mr. Sanders moved to suspend the Rules and recommit the Bill to a Committee of the Whole House which motion prevailed and the Bill was so recommitted.

H.B. 45—"An Act authorizing Assessors to appoint a Deputy" was read a 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick,

Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 25.

Noes—Mr. Sanders.

Title was agreed to.

H.B. 43—"A bill for an Act to provide for the payment of certain expenses" was read a 3rd time and Mr. Brooke moved to suspend the Rules and recommit the bill which motion was lost and the bill was passed as follows. Those voting aye were—Barbour, Beach, Boardman, Boyer, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Wilson, Mr. Speaker - 22. Those voting no were—Brooke, Harrington, Marion, Thorpe.

Title was agreed to.

House Bill 47—"An Act to establish and regulate the fees of Witnesses, Jurors and certain Officers of Montana Territory" was read a 3rd time and lost by the following Vote:

Ayes—Steell.

Noes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 25.

On motion of Mr. Sanders the House went into Committee of the Whole on H.B. 30—"An Act in relation to the fees of County Clerk". Mr. Stuart in the Chair.

House resumed, Mr. Speaker in the Chair.

On motion of Mr. Mood the House adjourned.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

THIRTY FOURTH DAY

House of Representatives
February 15th, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

H.B. 13—"An Act to repeal An Act entitled An Act in relation to diseased animals" was read a 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Marion, McCormick, Mood, Noyes, Robinson, Steell, Stuart, Mr. Speaker - 18.

Noes—Brooke, Harrington, Perkins, Sanders, Sweeney, Thorpe, Wilson - 7. Absent Mr. McElroy.

Title was agreed to.

H.B. 42—"An Act to provide compensation for the Clerks of the District Courts" was read a 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 25.

Noes—None.

Absent Mr. McElroy.

Title was agreed to.

C.J.M. 1—Asking establishment of a Cavalry Post at Henry's Lake with House Amendments thereto was read a 3rd time and passed as amended. Those voting Aye were—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker. Noes—None. Absent Mr. McElroy.

Title was agreed to.

The Committee on Printing reported as follows:

Mr. Speaker,

Your Committee on Printing to whom was referred Substitute for H.B. No. 2 have examined the same and find it correctly printed except the word "and" in Section 17, line 3 read "on" and the figures "13" in Sec. 19 in line 8.

Harrington

On motion of Mr. Robinson the consideration of H.B. 15—"An Act to reapportion the Members of the Legislative Assembly" the Special Order for half past 10 O'clock was deferred until half past 2 O'clock P.M. February 17th 1879.

On motion of Mr. Sanders the House went into Committee of the Whole on

H.B. 10—"An Act to protect fish and fur bearing animals in Montana".

Mr. Stuart in the Chair.

House resumed, Mr. Speaker in the Chair.

Mr. Barbour presented a petition from Citizens of Glendale asking exemption from taxation for U.N.R.R.

The Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred H.B. No. 53—"An Act in relation to the fees of Sheriffs" have examined the same and find the same correctly engrossed.

Harrington

H.B. 2, reported correctly printed was referred to the Committee of Ways and Means.

The Committee on Education and Labor reported as follows:

Mr. Speaker,

Your Committee on Education and Labor to which was referred H.B. No. 63—"An Act to amend Sec. 48 of the Montana School law" and also H.B. No. 65—"A bill for "An Act to amend Sec. 3 of an Act to authorize the holding of County Teachers Institutes" would report that they have had said bills under consideration and would recommend that the same do pass.

Thorpe
Chairman

The bill reported was ordered engrossed for a 3rd reading.

Mr. Stuart, Chairman of the Committee of the Whole on H.B. 30, reported as follows.

Mr. Speaker,

Your Committee of the Whole House having had under consideration the Substitute for House Bill No. 30—"A bill for "An Act in relation to the fees of County Clerks" herewith report the same back with the following Amendments which were adopted.

Amendments to Substitute for H.B. No. 30.

In the County of Madison Eight hundred Dollars—In the County of Jefferson Five hundred Dollars—In the County of Meagher Five hundred Dollars—In the County of Chouteau Four hundred Dollars.

Stuart
Chairman

On motion of Mr. Sanders the Amendments reported were adopted and the bill was ordered engrossed as Amended.

Mr. Stuart reported as follows:

Mr. Speaker,

Your Committee of the Whole House having had under consideration the Substitute for House Bill No. 10—"Entitled An Act to protect game" beg leave to report the same back to the House with Amendments which were adopted and would recommend that as thus amended the bill do not pass.

Stuart
Chairman

Mr. Robinson moved to amend the bill as follows. Strike out all after the enacting clause and insert:

Section 1. That section 4 of said act be and the same is hereby amended to read as follows.

Sec. 2. That any person or persons who shall wilfully shoot or otherwise kill or cause to be killed any grouse, prairie chicken, pheasant, fool hen, partridge or quail between the first day of March and the first day of September of each year, or shall hunt or chase with dogs any Elk, deer, Antelope or mountain sheep shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than two hundred and fifty dollars for each offense committed. Section 3. Section 2, of an Act Entitled an Act to amend Section 4 of an Act entitled "an Act to protect fur bearing animals and fish in the Territory of Montana" is hereby repealed.

Mr. Noyes moved that the amendment be indefinitely postponed, which motion prevailed and the amendment together with the bill were declared to be so postponed.

The Committee on Internal Improvements made the following majority and minority reports.

Mr. Speaker,

Your Committee on Internal Improvements to which was referred H.B. No. 19—A bill for "An Act to encourage Steamboat Navigation on the Upper Missouri River" has had the same under consideration and has given it such consideration as the importance of the enterprise sought by the bill to be fostered deserves. Your Committee has not considered this as a bill introduced for the benefit of any single person or Incorporation but as proposed legislation to build up an enterprise in which all the people of the territory have an actual pecuniary interest in cheapening freights and bringing them into the heart of the settlements of Western Montana. As such a majority of your Committee is of the opinion that the bill should be amended by striking out the word "one" where it occurs in line 7 of Sec. 1 and insert "two" in lieu thereof also strike out the word "twenty" where it occurs in the bill and insert "twelve" in lieu thereof.

And as so amended a majority of your Committee recommend that the bill do pass, all of which is respectfully submitted.

W.F. Sanders
E.H. Combs

E.G. Brooke
S.B. Cornick

The minority report was as follows:

Mr. Speaker,

A minority of your Committee to whom was referred H.B. No. 19 would respectfully report that I have considered same & recommend that it do not pass.

Hamilton

On motion of Mr. Robinson the minority report was adopted.

The following notices were given.

By Mr. Brooke,

A bill to protect Buffalo in the Counties of Lewis and Clarke, Jefferson and Deer Lodge.

By Mr. Beach,

A bill for an act to provide for refunding the bonded indebtedness of the Territory of Montana.

On motion of Mr. Sanders the House took a recess until 2:00 P.M.

2 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

The Committee on Towns and Counties reported as follows:

Mr. Speaker,

Your Committee on Towns & Counties to which was referred H.B. No. 64—A bill for "An Act fixing the rate of toll for grinding grain" have considered such bill and recommend the following amendments.

Strike out in enacting clause the words, "Montana Territory" and insert in lieu the words "The Territory of Montana". Also, strike out the words "all grist mills" in line 2 of Sec. 1 of said bill and insert in lieu thereof "any grist mill". Also strike out the words "and" before the word "peas" in Sec. 1 and insert the word "or" in lieu thereof.

Also insert before the word "sur names" in Sec. 2 the words "initials and". Insert the word "he or they" before the word "shall" in lieu of Sec. 111.

Also strike out the word "fifty" in 9th line of Sec. 111 and insert in lieu thereof the words "One Hundred" and as so amended Your Committee recommend that said bill do pass.

Forbis
Chairman

On motion of Mr. Mood the amendments reported were adopted and the bill was ordered engrossed.

The Judiciary Committee made the following majority and minority reports on H.B. 51.

Mr. Speaker,

A majority of your Committee of the Judiciary to which was referred House Bill No. 51—"An Act in relation to Public administrators" have had the same under consideration and beg leave to report the same back to the House with the recommendation that it do not pass.

McCormick
Sanders
Forbis
Boardman

The minority report was as follows:

Mr. Speaker,

The undersigned a minority of the Judiciary Committee to which was referred H.B. No. 51—A Bill for "an Act in relation to Public Administrator" beg leave to report that said bill has been considered by said Committee. And the said minority thereof recommend that said bill do pass.

Mr. Sanders moved that the bill reported be indefinitely postponed upon which motion the Ayes & Noes were called for when the bill was so postponed by the following vote.

Ayes—Barbour, Beach, Boardman, Boyer, Combs, Cornick, Edwards, Fergus, Forbis, Harrington, Marion, McCormick, McElroy, Mood, Sanders, Steell, Thorpe, Wilson, Mr. Speaker - 19.

Noes—Brooke, Hamilton, Noyes, Perkins, Robinson, Stuart, Sweeney - 7.

The Judiciary Committee reported as follows:

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 66—A bill for "An Act to exempt laborer's wages from attachment" beg leave to report that it has considered said bill and report the same back to the House without any recommendation.

Robinson
Chairman

On motion of Mr. McElroy further consideration of the bill reported was indefinitely postponed.

The Judiciary Committee reported as follows on C.B. 28.

Mr. Speaker,

The Judiciary Committee to which was referred C.B. No. 28—A bill for "An Act to correct errors in references to sections of the Code of Civil procedure" beg leave to report that it has considered said bill and recommend that the same do pass.

Robinson
Chairman

Mr. Sanders moved a suspension of the rules that the bill reported be read a 3rd time and placed upon its final passage which motion prevailed. The bill was so read and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—None.

Title was agreed to.

Mr. Sanders moved to reconsider the vote by which H.B. 20—"An Act to provide for the taxation of the proceeds of mines" was lost, which motion Mr. Hamilton moved to lay upon the Table and the Ayes and Noes being called for the motion to lay upon the Table was lost by the following vote:

Ayes—Boyer, Brooke, Edwards, Fergus, Hamilton, Perkins, Steell, Thorpe - 8.

Noes—Barbour, Beach, Boardman, Combs, Cornick, Forbis, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Robinson, Sanders, Stuart, Sweeney, Wilson, Mr. Speaker - 18.

And the question recurring upon the motion to reconsider, the Ayes and Noes were called for when the motion prevailed by the following vote:

Ayes—Barbour, Beach, Boardman, Brooke, Combs, Cornick, Forbis,

Harrington, Marion, McCormick, McElroy, Mood, Noyes, Robinson, Sanders, Stuart, Sweeney, Wilson, Mr. Speaker - 19.

Noes—Boyer, Edwards, Fergus, Hamilton, Perkins, Steell, Thorpe - 7.

Mr. Sanders moved to reconsider the vote by which H.B. 47—"An Act to establish and regulate the fees of witnesses, Jurors & certain officers of Montana Territory" was lost, which motion was upon motion of Mr. Hamilton laid upon the Table.

The Judiciary Committee reported as follows:

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 55—A bill for "An Act to amend An Act Entitled An Act to provide a code of Civil procedure in the Territory of Montana" beg leave to report that it has considered said bill and recommend that the same do pass.

Robinson
Chairman

The bill reported was ordered Engrossed.

Mr. Robinson reported as follows:

Mr. Speaker,

The Judiciary Committee to which was recommitted C.B. No. 13—A bill for "An Act prescribing the penalty for murder" beg leave to report said bill back without recommendation.

Robinson
Chairman

Also as follows:

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 69—A bill for "An Act prescribing the duties of certain officers and prescribing a penalty for non performance thereof" beg leave to report that it has considered said bill and do recommend that the same do pass.

Robinson
Chairman

H.B. 69 last named was referred to the Engrossment Comt.

The Judiciary Comt reported as follows on H.B. 70.

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 70—A bill for "An Act to amend chapter 61 of the laws of Montana Territory Entitled An Act to authorize its representatives of deceased persons to maintain action for injuries to the deceased in certain cases" beg leave to report that it has considered said bill and recommend that it do pass.

Robinson
Chairman

Mr. Sanders moved to amend the bill reported by striking out words "twenty" and inserting "ten" in lieu thereof which amendment was adopted and the bill as amended was ordered Engrossed.

The Ways and Means Committee made the following report.

Mr. Speaker,

Your Committee on Ways & Means to whom was referred H.B. No. 61—"An Act to tax dogs" have had the same under consideration and beg leave to report the same back without recommendation.

McCormick
Chairman

On motion of Mr. Sanders the bill reported was indefinitely postponed.

The Judiciary Committee made the following report.

Mr. Speaker,

The Judiciary Committee to which was referred H.B. No. 44—A bill for "An Act in relation to insolvent debtors" beg leave to report that it has considered said bill and recommend that the same be amended by making the corrections and additions made in and to the printed copy thereof herewith reported and the addition thereto herewith reported said Committee recommend that said bill do pass.

Robinson
Chairman

Mr. Hamilton moved the bill reported be indefinitely postponed upon which motion the Ayes and Noes were called for when the motion was lost by the following vote:

Ayes—Barbour, Brooke, Hamilton, Harrington, McElroy, Mood, Perkins, Sweeney, Wilson - 9.

Noes—Beach, Boardman, Boyer, Combs, Cornick, Edwards, Fergus, Marion, McCormick, Noyes, Robinson, Sanders, Steell, Stuart, Thorpe, Mr. Speaker - 16.

On motion of Mr. McCormick the House went into Comt of the Whole on H.B. 44—"An Act in relation to Insolvent Debtors".

Mr. Boardman in the Chair.

House resumed on motion of Mr. Sanders. Mr. Boardman was elected Speaker pro tem.

By leave of the House Mr. Edwards introduced H.B. 73—A bill for "An Act concerning licenses". By leave of the House, Mr. Beach gave notice of the introduction of a bill for an Act to establish a public highway in Township No. 11 County of Lewis and Clark.

The following report was received.

Mr. Speaker,

The Comt of the Whole House have had under consideration H.B. 44—a bill for "An Act in relation to Insolvent Debtors" and have instructed me to report progress and ask leave to sit again.

W.T. Boardman
Chairman

On motion House adjourned until 10 O'clock A.M. Feby 17th 1879.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

THIRTY SIXTH DAY

House of Representatives
February 17th, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the Thirty fourth day read and approved.

The following message was received from the Governor.

Territory of Montana
Executive Department
Helena February 17th 1879

To the House of Representatives,

I have the honor to return to the House of Representatives, House Bill No. 36—Entitled "An Act concerning the sale of intoxicating liquors" without my signature.

This Bill is a new departure in legislation and its only merit is its novelty.

The sale of wines, liquors, etc. is legalized by the United States and the Territory by granting license to persons engaged in the business and a heavy tax is imposed and paid by persons engaged in the traffic.

The business being recognized as a legal one and taxed on the same, it appears to be unfair to abridge the right of those engaged in the business to collect their accounts legitimately contracted. The tendency of wise legislation is in the direction of requiring men to pay their honest contracts and I cannot give my assent to the character of legislation proposed by this bill.

Respectfully
B.F. Potts

On motion of Mr. Sanders the vote on the final passage of H.B. 36 returned by the Governor was reconsidered and the question being shall the bill pass the objections of the Governor notwithstanding, the vote was as follows:

Ayes—Barbour, Boardman, Cornick, Edwards, Hamilton, Harrington, Marion, McCormick, Mood, Perkins, Robinson, Sanders, Stuart, Thorpe, Mr. Speaker - 15.

Noes—Beach, Boyer, Brooke, Combs, Fergus, Forbis, Noyes, Sweeney, Wilson - 9. Absent—McElroy, Steell.

Failing to receive a two thirds vote the bill was declared lost.

The Ways and Means Comt reported as follows:

Mr. Speaker,

Your Committee of Ways & Means to whom House bill No. 33 was referred, hereby report back a substitute bill which after due consideration

and consultation with the Governor do recommend the passage of the substitute herewith.

McCormick
Chairman

On motion of Mr. McCormick the substitute reported was adopted.

Mr. McCormick moved that the rules be suspended, that the substitute be adopted and placed on its final passage which motion prevailed the bill was read a 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Marion, McCormick, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Mr. Speaker.

Noes—Brooke, Harrington, Thorpe, Wilson. Absent Mr. McElroy.

Title was agreed to.

Ways and Means Comt reported as follows:

Mr. Speaker,

Your Committee on Ways & Means to which was referred H.B. No. 22—"An Act to establish and regulate the fees" have had the same with Council Amendments thereto under consideration and would recommend that the House do concur in said Amendments.

McCormick
Chairman

On motion of Mr. McCormick the Council amendments referred to were concurred in.

Mr. Barbour moved that leave of absence be granted to Mr. McElroy which motion was lost.

The Committee on Education and Labor reported as follows:

Mr. Speaker,

Your Committee on Education and Labor to which was referred H.B. No. 62—"An Act to consolidate the office of Territorial Superintendent of Public Instruction with the office of Territorial Auditor" would report that they have had the same under consideration and would recommend that the bill do pass.

Thorpe
Chairman

Mr. Sanders moved to amend the bill as follows:

Strike out "Auditor" where it occurs in the bill and insert "Treasurer", which amendment was adopted and the Clerk instructed to so amend the bill in the presence of the House. Whereupon the Clerk proceeded to & did so amend the bill.

Mr. Fergus moved to suspend the rules that the bill be considered Engrossed, read 3rd time and placed upon its final passage which motion prevailed, the bill was so read and passed by the following vote:

Ayes—Beach, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, Mood, Noyes, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 21.

Noes—Barbour, Perkins - 2. Absent—McCormick, McElroy.

Title was amended to read "An Act to Consolidate Offices".

The Committee on Education and Labor reported as follows:

Mr. Speaker,

Your Committee to which was referred H.B. No. 40—"An Act to establish the fees of Territorial Treasurer and Auditor" would beg leave to report the same back to the House with the following amendments, Strike out Sec. 1 of the Bill and substitute Sec. 2 in lieu thereof.

With this Amendment your Committee would recommend that the Bill do pass.

Thorpe
Chairman

On motion of Mr. Sanders the Amendments reported were adopted and the bill ordered Engrossed.

The following report was received:

Mr. Speaker,

The undersigned appointed on the part of the House as a Committee of Conference on C.B. No. 5—"An Act to incorporate the Town of Butte" beg leave to report that they have met and consulted with the members of said Committee appointed by the Council and the Committee recommend that the House to recede from its amendments and that the bill be amended as follows:

Amend Sec. 2 of article 4 by inserting between the words "Ay and who" in line 4 the following "who shall be taxpaying householders and" also strike out the word "six" in line 5 and insert in lieu thereof the word "three" also insert between the words "officers" and "provided" in the same section the following "and for the adoption of this Charter".

And as so amended your Committee recommend that said bill do pass.

A like report has been made by the Council members of the Conference Committee to the Council.

John F. Forbis
Samuel B. Cornick
House Members of Conference Committee

The Comt of Conference on C.B. 4 reported as follows:

Mr. Speaker,

Your Committee of Conference appointed by the House to confer with a like Committee on behalf of the Council in relation to the two houses to House Amendments to C.B. No. 4—Entitled "An Act to provide for the funding of the Bonds of Jefferson County, Montana Territory" have met the conferees of the House and had full and free conference as to said disagreement and have agreed to report the following as the result of the Conference.

That both Houses adopt the following in lieu of the 2nd Amendment of the House.

2nd. Strike out the words "Ninety Six" in line 19 of Sec. 2 and insert the words "Ninety Eight" in lieu thereof.

That both Houses adopt the following in lieu of the 3rd amendment of the House. In Sec. 4 strike out the words "One Hundred" and the words "and, One thousand".

Wilson
Brooke

The report of the Conference Comt on C.B. 5 was adopted & the Chief Clerk instructed to so inform the Council.

The report and amendments recommended therein of the Comt of Conference on C.B. No. 4 were adopted.

The Committee of the Whole House on H.B. 31 reported as follows:
Mr. Speaker,

Your Committee of the Whole House to which was referred H.B. No. 31—"An Act to encourage the construction of Railroads in Montana" have had the same under consideration and have instructed me to report the same back to the House with the following Amendments to wit:

Strike out Section 1 of the bill and insert in lieu thereof the following. Sec. 1. Any Railroad Company which shall build its road within the limits of this Territory prior to the 1st day of Dec. A.D. 1880, shall have an exemption from assessment and taxation for the period of Twelve years from the completion of the same upon so much of said road and no more as shall be constructed and placed in running order prior to said 1st day of Dec. 1880. Provided that ~~no~~ Railroad Company shall be entitled to the benefit of this act unless it shall construct and put in running order at least one hundred miles of road within the present limits of this Territory within the time above mentioned, which exemption shall cover its road bed, right of way and Rolling Stock and appurtenances necessary to the maintenance, use or operation of its said Railroad.

Amend Sec. 2 by inserting after the words "the above determined portions of". Also amend Section (2) Two by inserting after the word aforesaid in line 7 printed Copy of the bill the following "For all road constructed prior to Dec. 1st 1880".

Also insert after the word "thereof" in line eight said Section "By said Secretary". Also by striking out the words "said Secretary" line 8 of said section and insert in lieu thereof the words "The Territory of Montana".

Amend Sec. (3) three by inserting after the word "line" in line six (6) the words "Except exemption from taxation". Also amend said section by striking out the word "Condemn" in line seven (7) and inserting in lieu thereof the words "procure to be condemned".

Also amend said section by inserting after the figures "1862" in line 14 the words "and the amendments thereto".

Amend by adding the following to said section three (3) and after the expiration of the time limited in this act the said "Road and its appurtenances shall be taxed as is other property in the Territory".

Amend by striking out Sections four & five of the bill.

With these Amendments the Committee have instructed the Chairman to report the bill back to the House with the recommendation that it do not pass.

McCormick
Chairman

Mr. Word moved to amend as follows:

Strike out all after the Enacting Clause and insert:

Section 1. Any Railroad Company which shall build its road within the limits of this Territory prior to the first day of December A.D. 1880, shall have an exemption from assessment and taxation for the period of twelve years from the completion of the same upon so much of said road and no more as shall be constructed and placed in running order prior to said first day of December A.D. 1880 provided that no Railroad Company shall be entitled to the benefits of this act unless it shall construct and put in running order at least one hundred miles of railroad within the present limits of this Territory within the time hereinbefore mentioned, which exemption shall cover only its road bed, right of way, rolling stock and appurtenances, which shall be necessary to the use and operation of its said railroad.

Section 2. Such exemption shall be obtained by said railroad company by filing in the Office of the Secretary of the Territory in writing a request for such exemption which request shall give the Corporate name, gauge, length, date of construction and termini of the road for which such exemption is claimed and thereupon upon such filing the said railroad, its road bed, right of way, rolling stock and appurtenances absolutely necessary to the use and operation of said road so built as herein provided shall become exempt from all kinds of taxation and assessment during the period above mentioned and such filing shall be deemed a contract for exemption from taxation and assessment for the period aforesaid and no longer. Such request shall be placed on file in the office of the Secretary of the Territory and a certified copy thereof under the seal of said Territory, shall be evidence of said contract of exemption in all the Courts of this Territory.

Provided, that after the expiration of the time limited in the first section of this Act for exemption of said railroad, the said Railroad, its road bed, rolling stock and all property of any kind whatsoever pertaining to the same, shall be assessed and taxed the same as other property.

Mr. Sweeney moved a Call of the House.

On motion of Mr. Sanders further proceedings under the Call of the House were dispensed with.

Mr. Robinson moved that further consideration of the Bill and Amendment offered be made the special order at 2½ O'clock P.M. Feby 18th 1879 which motion Mr. Sanders moved to amend by making it the special order for three o'clock P.M. Feby 17th 1879, which motion prevailed and it was so ordered.

The Engrossment Committee reported as follows:

Mr. Speaker,

Your Comt on Engrossment to whom was referred H.B. No. 69—a Bill for "An Act prescribing the duties of certain officers and prescribing a penalty for non performance of their duties" and H.B. No. 55—a Bill for "An Act to amend an Act Entitled an Act to provide a Code of Civil procedure in the Territory of Montana". Also H.B. No. 70—"An Act to amend chapters 61 of the Laws of Montana Territory entitled an Act to authorize the Representatives of persons deceased to maintain actions for injuries to the

deceased in certain cases" have examined the same and find them correctly engrossed.

Harrington

The following report was received.

Helena M.T. February 14 1879

To the Legislative Assembly of the Territory of Montana,

Your Committee appointed under Council Joint Resolution No. to examine and report upon the books and accounts of the Territorial Auditor, and Treasurer, beg leave to report to the Council and the House that they have made a thorough examination of the books, accounts, vouchers and all matter connected with the aforesaid offices, from the first day of January 1877 inclusive to the first day of January 1879 exclusive and your Committee is satisfied that the books and accounts of the offices of the Auditor and Treasurer are correct and have been properly kept and that the duties devolving upon the aforesaid officers have been faithfully and efficiently discharged.

Respectfully
Granville Stuart
S.A. Barbour
W.G. Conrad
W.C. Gillette

House Committee
Council Committee

The Committee on Grazing and Stock-growing reported as follows:

Mr. Speaker,

Your Committee on Grazing and Stock-growing to whom was referred H.B. 9—Entitled "An Act in relation to Estray Horses" have had same under consideration and herewith report a substitute and recommend that the same do pass.

Brooke
Chairman

Mr. Brooke moved that the substitute reported be adopted, which motion prevailed.

Mr. Brooke moved to suspend the Rules that it be considered engrossed & filed for 3rd reading which motion prevailed and the bill was so filed.

The Ways and Means Comt reported as follows:

Mr. Speaker,

Your Committee of Ways & Means to whom was referred House Bill No. 32—"An Act for the relief of W.F. Sanders & W.E. Cullen" have had the same under consideration and beg leave to submit the following report.

We recommend to amend said bill by striking out "Five Hundred" wherever it occurs in the Bill and insert in lieu thereof "One hundred" and with such amendment we recommend that the bill do pass.

All of which is respectfully submitted.

McCormick
Chairman

Mr. Steell moved to indefinitely postpone the Bill so reported.

Mr. McCormick moved to re-commit the Bill to Ways and Means Comt

which motion prevailed and the bill was so re-committed.

House Bill 74—A Bill for "An Act limiting compensation in certain cases" was read a 1st & 2nd time & Mr. Sanders moved a suspension of the Rules, that the bill be considered engrossed, read 3rd time & placed upon its final passage which motion prevailed. The Bill was so read & Mr. Sweeney moved a recess until 2 O'clock P.M. which motion was lost.

The Ayes and Noes were then called upon the final passage of the bill which was passed by the following vote:

Ayes—Beach, Boardman, Combs, Edwards, Fergus, Forbis, Harrington, Marion, Mood, Noyes, Perkins, Sanders, Steell, Stuart, Mr. Speaker - 15.

Noes—Barbour, Boyer, Brooke, Cornick, Hamilton, Robinson, Sweeney, Thorpe, Wilson - 9. Absent—McCormick & McElroy.

Title was agreed to.

On motion of Mr. Forbis House took recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Mr. Forbis reported as follows :

Mr. Speaker,

The undersigned your select Committee to whom was referred H.B. No. 41—A bill for "An Act to provide for the payment by Deer Lodge County of certain expenses incurred during the Nez Perces Wary of 1877" beg leave to report that they have considered said bill and recommend that it be amended by striking out the word "services" in lines 8 & 13 of Sec. 1 of said act and insert in lieu thereof the words "use of Property".

Also strike out the names of William A. Clark and Peter Valiton in Sec. 2 of said act and insert in lieu thereof the names of W. Egbert-Smith and Joseph K. Clark.

Also substitute for Sec. 6, the Sec. 6 herewith submitted and as so amended Your Committee recommend that said bill do pass.

J.C. Robinson
John Noyes
John F. Forbis
W.T. Boardman
Samuel B. Cornick

Substitute for Sec. 6 also Sec. 7 submitted by the Comt. were as follows:

Strike out all of Sec. 6 and insert in lieu thereof the following.

Sec. 6. The expenses for per diem publication and all other expenses to be incurred by said Commissioner in auditing and paid by the County Commissioners of Deer Lodge County and in no event shall exceed the sum of Two Hundred Dollars.

Sec. 7. The County Commissioners of Deer Lodge County shall pay no claims until after the last meeting of the Commissioners as provided in Sec. 4 of this Act and after all claims certified by such Commission have been duly received by the Board of County Commissioners and in Event the aggregate

amount of all claims so certified by such Commission shall exceed the sum of Three Thousand Dollars, then the County Commissioners shall pay said claims pro rata to the extent of said Three Thousand dollars and no more.

Mr. Mood moved that the report and the Amendments recommended be adopted which motion prevailed and the Bill as amended was ordered engrossed.

The following message was received from the Governor.

Territory of Montana
Executive Department
Helena February 17, 1879

Hon. Samuel Word, Speaker, House of Representatives

Sir,

I have the honor to inform the House of Representatives that I have signed H.B. No. 28—entitled "An Act for the relief of St. Johns Hospital".

This Bill suggests the propriety of recommending to the Legislative Assembly that authority be granted the Executive to contract for the keeping of such paupers as are likely to remain such their lives.

Reports from the several counties indicate that there are about fifteen paupers now maintained by the counties that are likely to remain a charge on the same during their lives and that the cost of maintaining the same sums from \$6.50 per week to \$14.00 per week, besides medical attendance and burial expenses.

It is my opinion that the Territory can contract for the maintenance of all such paupers to include medical attendance and burial expenses at not exceeding \$7.00 per week per capita. If the authority recommended be granted every effort shall be made to contract for even a less rate than that above stated. And it is believed that better facilities can be obtained for the comfortable maintenance of the unfortunate poor than is now afforded by the several counties.

Respectfully
(Signed) B.F. Potts

On motion of Mr. Sanders the communication was referred to the Committee on "Territorial Affairs".

The following majority & minority reports were achieved from a select Comt on H.B. No. 7—"An Act to tax Jury fees".

Mr. Speaker,

A majority of your Special Committee to whom was referred H.B. No. 7—"An Act to tax Jury fees" have had the same under consideration and herewith present the accompanying substitute and recommend the same do pass.

Brooke
Perkins
Fergus
Hamilton
Mood
Thorpe
Marion

The minority report was as follows:

Mr. Speaker,

The minority of the Select Committee to which was referred H.B. No. 7—A bill for "An Act to tax Jury Fees" beg leave to report that we recommend said Bill do not pass. That the said Bill and the substitute reported by the majority of this Committee are both indefinite and uncertain as to their provisions that such a law could not be enforced but would but serve to beget confusion in entering up judgment and what is intended by such a law would violate well settled principles of law and would defeat even the intentions of the bill.

Robinson
Sanders

Mr. Forbis moved to indefinitely postpone the bill and substitute reported by the Comt.

Mr. Brooke moved a call of the House.

Roll called. Absent—Barbour, Hamilton and McElroy.

On motion of Mr. Robinson further proceedings under the Call of the House were dispensed with.

The motion to indefinitely postpone was lost.

And on motion of Mr. McCormick the bill and substitute were recommitted to the Comt on Judiciary.

The hour of 3 O'clock P.M. having arrived the House proceeded to the consideration of H.B. 31—"An Act to encourage the construction of R R in Montana" together with the amendment substituted by Mr. Word, said bill and amendment being the special order for that hour.

Mr. Word moved the adoption of the amendment which being read for information the motion to adopt "prevailed" and the bill as amended was ordered engrossed.

Mr. Sanders gave notice of the introduction of a Memorial concerning the Government of Montana.

On motion of Mr. Noyes the House adjourned.

Attest

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

THIRTY SEVENTH DAY

House of Representatives
February 18th 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Sanders moved that H.B. 31—"An Act to encourage the construction of R R's in Montana" be recalled from the Engrossment Comt and recommitted to the Comt on Internal Improvements which motion prevailed and the bill was so recalled and committed.

On motion of Mr. Brooke Sub's for H.B. 9 was recommitted to the Comt on Grazing and Stock-growing.

The Committee on the Judiciary reported as follows:

Mr. Speaker,

The undersigned a majority of the Judiciary Committee to which was referred Council Bill No. 29—A bill for "An Act to provide for the Codification of the General laws of Montana Territory" beg leave to report that it has considered said bill and report same back without recommendation.

Robinson
Chairman

Mr. Forbis moved the following Amendments.

Amend by striking out all of Sec. 6 of said bill after the words "book form" in line 6 of said Sec. Council engrossed bill and insert in lieu of the portion stricken out the following.

The printing of such codification shall be paid for at the same rate now allowed by the United States government under the laws thereof for public printing and the Auditor shall draw his warrant as herein before provided for the cost of the printing of such Codification at the rates aforesaid. Provided the Territory of Montana shall in no case be held responsible for any greater amount than said sum of One Thousand Five Hundred Dollars for such printing, nor shall any portion of the appropriation herein made be paid for any number of copies of such Codification less than said number of Three Hundred.

Add to said Bill as Sec. 7 the following:

Sec. 7. No money herein appropriated shall be paid nor shall the Auditor draw his warrant for any part of the amount in this Act appropriated until the number of copies of such Codification herein specified shall be printed and delivered as herein required. Nor shall any portion of the amount herein appropriated to the said Harry R. Comly be paid unless such Codification be printed in the manner in this Act prescribed.

The Amendments reported were adopted and ordered engrossed.

The following message was received from the Council:

Council Chamber
Helena Montana
Feb'y 15, 1879

Mr. Speaker,

I am directed by the Council to inform the House that the Council have agreed to the report of the Joint Conference Committee on C.B. 4—Entitled "An Act to provide for the funding the bonds of Jefferson County M.T."

That Holter gave notice of the introduction of a bill for an act to amend an act to provide for a system of common schools.

That the following bills were introduced:

By Conrad,

C.B. 39—"An Act to enable the County Commissioners to intelligently settle with County Treasurers".

By Holter,

"An Act to amend An Act to provide the support, care and maintenance of the County sick and poor."

The following have passed the Council & are transmitted: H.J.R. 5 referring to information concerning Montana with amendments. H.J.M. 11 "In relation to restoring a portion of the Crow Indian Reservation to the public domain".

Also,

C.B. 33—"An Act to provide for printing Marks and brands".

Respectfully
Harry R. Comly
Chief Clerk

H.J.M. 11 transmitted as above was ordered enrolled.

On motion of Mr. Sanders the House concurred in Council Amendments to H.J.R. 5 and the Res. was ordered enrolled.

C.B. 33—"An Act to provide for printing Marks and Brands" was read a 1st & 2nd time and referred to the Comt on Grazing and Stock-growing.

The following message was received from the Council:

Mr. Speaker,

I am instructed by the Council to inform the House that Sedman introduced C.B. 36—"An Act reapportioning the members of the Legislative Assembly."

Respectfully
Harry R. Comly
Chief Clerk

Also the following:

Mr. Speaker,

I am directed by the Council to inform the House that C.B. 31—"An Act to provide for the collection of the special road and poor tax" and H.B. 48—"An Act to provide for keeping the records of the District Court at the County

seats of the Counties where such Courts may be held" have passed the Council and are transmitted.

Respectfully
Harry R. Comly
Chief Clerk

House Bill 48 transmitted as above was ordered enrolled.

C.B. 31—"An Act to provide for the collection of the special road and poor tax" was referred to the Comt on Elections.

The Enrollment Comt reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that it has examined and compared H.B. No. 37—"An Act to repeal Sec. 156 of the Criminal Laws".

H.B. No. 12—"An Act prescribing a Bounty for the destruction of certain animals".

H.B. No. 35—"An Act to amend an Act concerning crimes and punishments".

H.J.M. No. 5.

Council Substitute for H.J.M. No. 7.

H.J.M. No. 10 asking for the establishment of a U.S. Land Office at Miles City Custer Co. M.T.

H.J.M. No. 8 In relation to Military Telegraph.

Also,

C.J.M. No. 2 In relation to the enlargement of the U.S. Penitentiary of Montana.

and C.B. No. 7—"An Act to prevent the trespassing of animals upon private property" and find the same correctly enrolled.

Forbis

The following Communication was received from the Council.

Mr. Speaker,

Council Substitute for House Substitute for H.B. 25—"An Act to amend an Act in relation to irrigation and water rights" has passed the Council and is transmitted.

Respectfully
Harry R. Comly
Chief Clerk

Substitute referred to was read and referred to Judiciary Committee.

On motion of Mr. Sanders, the Rules were suspended and H.B. 83—"An Act to protect Bison in Deer Lodge, Lewis and Clark and Jefferson Counties" was read 1st and 2nd time and Mr. Brooke moved to amend as follows.

Amendment to House Bill No. 83, after Sec. 1 insert the following. Sec. 2nd. That the possession of the green hides or the dead bodies of any part thereof of any buffalo or bison by any person or persons within the limits of said counties shall be taken as prima facie evidence that such person or persons are guilty of killing the same.

And re-number the succeeding section.

Brooke

The Amendment was adopted.

Mr. Stuart moved to amend as follows:

Amend by inserting after the words "shoot or kill" in the first section the words "or caused to be killed".

Which amendment was adopted and the Bill ordered engrossed.

On motion of Mr. Harrington H.B. 86—"An Act to enable Meagher County to remove the County Seat" was read 1st and 2nd time and on motion of Mr. Harrington the Rules were suspended, the Bill considered engrossed, read 3rd time by title and passed by the following vote:

Ayes—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, McCormick, Mood, Noyes, Perkins, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 22.

Noes—Barbour, Marion, McElroy - 3.

Absent—Mr. Robinson.

Title was agreed to.

The following message was received from the Council:

Mr. Speaker,

I am directed by the Council to inform the House that Holter introduced C.B. 41—"An Act to encourage the manufacture of Sugar in the Territory of Montana."

Also,

C.B. 42—"An Act to amend An Act entitled "An Act to provide for a system of common schools."

The following bills have passed the Council and are transmitted to wit:

C.B. 38—"An Act to prohibit the stacking of hay in towns".

C.B. 36—"An Act reapportioning the members of the Legislative Assembly".

C.B. 30—"An Act to amend Sec. 10 of an Act concerning licenses".

H.B. 45—"An Act authorizing assessors to appoint a deputy".

H.B. 43—"An Act to provide for the payment of certain expenses".

H.B. 22 is returned.

Respectfully
Harry R. Comly
Chief Clerk

H.B. 22, H.B. 43, H.B. 45 returned with the above communication were ordered enrolled.

The following Message was received from the Council.

Mr. Speaker,

I am directed by the Council to inform the House that H.B. 74—"An Act limiting compensation in certain cases" has passed the Council with amendment.

Respectfully
Harry R. Comly
Chief Clerk

On motion of Mr. Sanders the Council Amendment to the bill was concurred in and the bill was ordered enrolled.

C.B. 30—"An Act to amend Sec. 10 of an Act concerning Licenses" was read 1st and 2nd time and referred to Ways and Means Committee.

C.B. 36—"An Act reapportioning Members of the Legislative Assembly" was read 1st and 2nd time and Mr. Brooke moved to amend as follows: Amend Sec. 2 by striking out the 19th and 20th line thereof which reads as follows, "To the Counties of Gallatin and Jefferson jointly one member". Strike out in line 21 after the word "Jefferson" the words "one member" and insert in lieu thereof the words "two members".

Mr. McCormick moved that the bill and amendments together with the same subject be made the special order in Comt of the Whole at half past 7 O'clock P.M. Feby 18th 1879 which motion prevailed.

C.B. 38—"An Act to prevent the stacking of hay in towns" was read a 1st and 2nd time and on motion of Mr. Forbis was indefinitely postponed.

The following message was received from the Council:

Mr. Speaker,

H.B. 62—"An Act to consolidate offices" has passed the Council and is transmitted.

Harry R. Comly
Chief Clerk

H.B. 62 was ordered enrolled.

The following message was received from the Council:

Mr. Speaker,

C.B. 24—"An Act imposing a tax and prescribing the mode of collecting the same on the privilege of selling wines, ardent spirits or malt liquors within the limits of this Territory" has passed the Council and is transmitted.

Respectfully
Harry R. Comly
Chief Clerk

Mr. Hamilton moved that the bill transmitted be indefinitely postponed which motion was lost.

Mr. Steell moved that its further consideration be made special order at 5 minutes to 12 O'clock Feby 21st 1879.

Mr. Hamilton moved to lay the Bill upon the Table & the Ayes and Noes being called for the motion prevailed by the following vote:

Ayes—Beach, Boyer, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, McElroy, Mood, Noyes, Perkins, Sanders, Steell, Sweeney, Thorpe - 17.

Noes—Barbour, Brooke, Marion, McCormick, Robinson, Stuart, Wilson,
Mr. Speaker - 8.

Absent—Mr. Boardman.

On motion of Mr. Brooke the rules were suspended & H.B. 6—"An Act to compel butchers to keep a record of Marks & brands of animals slaughtered by them" was read a 3rd time and passed by the following vote:

Ayes—Beach, Boyer, Brooke, Combs, Cornick, Fergus, Forbis, Hamilton, Marion, McCormick, McElroy, Robinson, Steell, Stuart, Thorpe, Wilson, Mr. Speaker.

Noes—Barbour, Edwards, Harrington, Mood, Noyes, Perkins, Sanders, Sweeney.

Title was agreed to.

H.B. 84—"A bill to provide for the funding the outstanding indebtedness & the redemption of the 10% Bonds" was read a 1st & 2nd time and referred to the Comt on Ways and Means.

On motion of Mr. Mood the House took a recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

The Committee on Enrollment reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that it has examined and compared the following Council bill and find the same correctly enrolled:

C.B. No. 27—"An Act to repeal Sec. 6 of An Act to provide for the collection of revenue approved Jan'y 12, 1872".

C.B. No. 28—"An Act to correct in reference to sections of the Code of Civil Procedure".

Also, C.B. No. 14—"An Act to authorize the Governor to contract for keeping and maintaining of the Territorial Convicts in the U.S. Penitentiary at Deer Lodge".

Forbis

The Comt on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment to whom was referred C.B. 29—"An Act to provide for the Codification of the General Laws of Montana Territory" with amendments thereto, have examined bill and amendments and find the same correctly engrossed.

Harrington

On motion of Mr. Forbis the rules were suspended, the bill reported was read a 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 23.

Noes—Sanders, Steell.

Absent—Hamilton.

Title was agreed to.

The following majority and minority reports were received from the Committee on Internal Improvements on H.B. 31—"An Act to encourage the construction of R R's in Montana."

Mr. Speaker,

Your Committee on Internal Improvements to which was referred H.B. 31—A Bill for "An Act to encourage the construction of Rail Roads in Montana" have had the said bill with the amendments under consideration and in deference to the wishes of a majority the accompanying substitute is reported back with the recommendation that it be adopted and pass.

W.F. Sanders
E.H. Combs

E.G. Brooke
S.B. Cornick

The minority report was as follows:

Mr. Speaker,

The minority of your Committee to whom was referred H.B. No. 31 with amendments have had the same under consideration and not being in favor of the exemption from taxation of any species of property and adhering unflinchingly to the doctrine of equal justice to all and special privileges to none, report the same back with the recommendation that it do not pass.

In making this report I feel confident that I represent the unanimous opinion of the Citizens residing in the section of Country I represent as well as a majority of the citizens of the Territory of Montana.

All of which is respectfully submitted.

Hamilton

The substitute reported by the majority of the Comt was adopted.

Mr. Speaker announced that he was now about to sign C.J.M. 2 in relation to the enlargement of the U.S. Penitentiary at Deer Lodge.

Also, C.B. 7—"An Act to prevent trespassing of animals upon private property."

The Comt on Enrollment reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment have examined and compared H.B. No. 48—"An Act to provide for keeping the records of the District Courts at the County seats of the Counties where such Courts may be held".

Also, H.B. No. 74—A Bill for "An Act limiting compensation in certain cases" and beg leave to report the same correctly enrolled.

Forbis

Mr. Speaker announced that he was now about to sign C.B. 28—"An Act to correct errors in reference to the Code of Civil procedure".

Also, C.B. 23—"An Act to amend an Act in relation to the collection of Revenue".

Also, C.B. 14—"An Act authorizing the Governor to contract for the keeping and maintaining of the Territorial Convicts in the U.S. Penitentiary".

Also, H.B. 48—"An Act to provide for keeping the records of the Dist.

Court at the seats of the Counties where such Courts may be held.”

Also, H.B. 74—“An Act limiting compensation in certain cases.”

Also, H.B. 27—“An Act to repeal an Act prohibiting the sale of liquor to soldiers.”

Also, H.B. 12—“An Act prescribing a Bounty for the destruction of certain animals.”

Also, H.B. 35—“An Act to amend an Act concerning crimes & punishments.”

Also, H.J.M. No. 8 in relation to Military Telegraph.

Also, H.J.M. No. 10 asking for the establishment of a U.S. Land Office at Miles City, Custer Co., M.T.

Also, H.J.M. 7 asking Secretary Interior to give Stockmen right to drive flocks and herds across Reservations.

Also, H.J.M. 5 in regard to Chinese Immigration.

H.B. 75—“An Act in relation to Insane Convicts” was read a 1st & 2nd time and Mr. Forbis moved a suspension of the rules that the bill be considered engrossed & placed upon its final passage which motion prevailed, the bill was read a 3rd time and passed by the following vote:

Ayes—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—Barbour.

Title was agreed to.

H.B. 89—“An Act in relation to fences” was read a 1st & 2nd time and Mr. Beach moved to amend by striking out word “five” in Sec. 1 and inserting “four & one half” in lieu thereof which amendment was adopted and the bill was referred to the Comt on Agriculture and Manufactures.

H.B. 87—“An Act concerning Licenses” was read a 1st & 2nd time and referred to Ways & Means Committee.

The Engrossment Committee reported as follows:

Mr. Speaker,

The Committee on Engrossment do hereby report the following House Bills correctly engrossed.

H.B. No. 64—“A Bill for an Act fixing the rate of toll for grinding grain.”

H.B. No. 30—“An Act in relation to fees of County Clerks.”

H.B. 40—“An Act to establish fees of Territorial Treasurer and Auditor.”

Harrington
Chairman

Mr. Sanders moved a suspension of the rules that H.B. 40—“An Act to establish fees of Territorial Auditor” which motion prevailed and the bill passed by the following vote:

Ayes—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Harrington, McCormick, McElroy, Mood, Noyes, Perkins, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson - 20.

Noes—Barbour, Hamilton, Marion, Mr. Speaker - 4.

Absent—Forbis, Robinson.

Title amended to read "An Act to establish fees of Territorial Auditor".

The Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment has examined and find correctly engrossed H.B. 41—A bill for "An Act to provide for the payment by Deer, Lodge County of certain expenses incurred during the Nez Perces war of 1877".

Harrington
Chairman

The Comt on Grazing and Stock-growing reported as follows:

Mr. Speaker,

Your Committee on Grazing and Stock-growing to whom was recommitted H.B. 9—"In relation to estrays" have had the same under advisement and herewith present the accompanying amendment and with said amendment recommend that the same do pass.

Brooke
Chairman

The amendments accompanying the report were as follows: Amend Sec. 2 page two, line three by changing the word "twenty" to the word "Thirty". Also amend said section by striking out all after the word "such sale" in 11th line and inserting "by a publication thereof with descriptions of such animals with the marks or brands (if any) thereon at least five weeks in the weekly newspapers published nearest the place of sale in said School District said sale to be made at the corral nearest in the school house".

The amendments were adopted and the bill was ordered engrossed as amended.

H.B. 88—"An Act to establish and regulate the Fees of County Superintendent of Common Schools" was read a 1st & 2nd time & referred to Committee on Education & Labor.

H.B. 82—"An Act in relation to the taxation of Calves under one year of age" was read 1st & 2nd time and referred to Committee on Grazing & Stock-growing.

H.B. 79—"An Act to provide for the incorporation of Religious, Benevolent and other Associations" was read 1st & 2nd time and referred to Committee on Incorporations.

H.B. 78—"An Act to facilitate the conviction of Robbers" was read a 1st & 2nd time and Mr. McCormick moved a suspension of the rules that the bill be considered engrossed, read a 3rd time and placed upon its final passage, which motion prevailed. The bill was so read and passed by the following vote:

Ayes—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Robinson, Sanders, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 21.

Noes—Barbour, Ferguson.

Absent—Forbis, Perkins, Steell.

Title amended to read "An Act to amend an Act entitled An Act to facilitate the Conviction of Robbers and other Criminals".

H.J.M. 12—"In regard to Public Highways from Mouth of Big Horn River to Henrys Lake" was read 1st and 2nd time and Mr. Perkins moved a suspension of the Rules that the bill be considered engrossed, read 3rd time and placed upon its final passage, which motion prevailed, the Bill so read & passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—None.

Title agreed to.

H.B. 80—"An Act to amend an Act entitled An Act providing for the Collection of Revenue approved Jan'y 12, 1872" was read 1st & 2nd time and referred to Ways & Means Committee.

H.B. 77—"An Act to establish a Public Highway in Township No. 11, County of Lewis & Clark" was read a 1st & 2nd time and Mr. McCormick moved a suspension of the rules that the bill be considered engrossed, read a 3rd time & placed upon its final passage which motion prevailed, the bill was so read and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker -26.

Noes—None.

Title was agreed to.

H.B. 76—"An Act requiring certain officers to report under a penalty and to provide for certain printing" was read a 1st and 2nd time and referred to the Comt on Territorial Affairs.

H.B. 81—"An Act to exempt Physicians and Surgeons from payment of Licenses" was read a 1st and 2nd time and Mr. Steell moved it be indefinitely postponed upon which the Ayes and Noes were called when the motion prevailed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Fergus, McCormick, Mood, Noyes, Sanders, Steell, Stuart, Thorpe - 14.

Noes—Cornick, Edwards, Forbis, Hamilton, Harrington, Marion, McElroy, Perkins, Robinson, Sweeney, Wilson, Mr. Speaker - 12.

H.B. 31—"Bill to encourage the construction of Railroads in Montana" being before the House for 3rd reading, Mr. Beach moved to refer to Committee on Printing, upon which the Ayes and Noes were called and the motion was lost by the following vote:

Ayes—Beach, Boyer, Edwards, Hamilton, Harrington, Marion, McElroy, Perkins, Robinson, Sweeney, Thorpe, Wilson - 12.

Noes—Barbour, Boardman, Brooke, Combs, Cornick, Fergus, Forbis, McCormick, Mood, Noyes, Sanders, Steell, Stuart, Mr. Speaker - 14.

Mr. Robinson moved that it be made Special Order for 10½ O'clock

tomorrow which motion was lost by the following vote:

Ayes—Boyer, Brooke, Edwards, Hamilton, Harrington, Marion, McElroy, Perkins, Robinson, Sweeney - 10.

Noes—Barbour, Beach, Boardman, Combs, Cornick, Fergus, Forbis, McCormick, Mood, Noyes, Sanders, Steell, Stuart, Thorpe, Wilson, Mr. Speaker - 16.

The bill was read a 3rd time. Mr. McCormick presented a petition favoring exemption from taxation of Railroads.

Mr. Forbis in the Chair.

Mr. Marion presented a petition against exemption from taxation of Railroads.

Mr. Speaker in the Chair. On motion of Mr. Sanders House took a recess to 7:25 P.M.

7 O'Clock & 25 Minutes P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

The Enrollment Comt reported as follows:

Mr. Speaker,

Your Joint Comt on Enrollment beg leave to report that it has examined the following bills and find the same correctly enrolled.

H.B. No. 62—"An Act to consolidate offices".

Also, C.B. No. 29—"An Act to provide for the Codification of the General laws of Montana."

Forbis

Mr. Speaker announced that he was now about to sign C.B. 29—"An Act to provide for the Codification of the General and permanent laws of Montana".

Also, H.B. 62—"An Act to consolidate offices".

House resumed consideration of H.B. 31 the question being upon the final passage of the bill.

Mr. Perkins moved to adjourn until 10 O'clock tomorrow, upon which the Ayes and Noes were demanded and the motion was lost by the following vote:

Ayes—Boyer, Edwards, Forbis, Beach, Hamilton, McElroy, Perkins, Robinson, Sweeney - 9.

Noes—Barbour, Boardman, Brooke, Combs, Cornick, Fergus, Harrington, Marion, McCormick, Mood, Noyes, Sanders, Steell, Stuart, Thorpe, Wilson, Mr. Speaker - 17.

Mr. Sanders moved the previous question which being sustained the Ayes and Noes were then called and the bill was passed by the following vote:

Ayes—Barbour, Boardman, Combs, Cornick, Fergus, Forbis, McCormick, McElroy, Mood, Noyes, Sanders, Steell, Stuart, Mr. Speaker - 14.

Noes—Beach, Boyer, Brooke, Edwards, Hamilton, Harrington, Marion, Perkins, Robinson, Sweeney, Thorpe, Wilson - 12.

Title was agreed to.

Mr. McCormick moved that the vote by which the bill passed be reconsidered, which motion was on motion of Mr. Sanders laid upon the Table.

On motion the House adjourned.

Attest

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

THIRTY EIGHTH DAY

House of Representatives
Feb'y 19th 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of Mr. Sanders the Rules were suspended and H.B. No. 90—"An Act defining assessable property" was read 1st and 2nd time and Mr. Sanders moved to amend by adding to Sec. 2 the words "assessed and taxed accordingly" which motion prevailed and the Clerk directed to engross said amendment in the bill in the presence of the House which was done accordingly and the bill referred to printing Committee.

H.B. 73—"An Act to pay certain Indebtedness" was read 1st and 2nd time and on motion of Mr. Beach the Rules were suspended, the bill considered engrossed, read 3rd time by Title and passed by the following vote:

Ayes—Beach, Boardman, Boyer, Brooke, Combs, Edwards, Fergus, Hamilton, Harrington, McElroy, Mood, Noyes, Perkins, Sanders, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 19.

Absent—Barbour, Cornick, Forbis, Marion, McCormick, Robinson, Steell.

Title agreed to.

H.B. 85—"An Act authorizing Surveyors and U.S. Deputy Mineral Surveyors to perform certain acts" was read 1st and 2nd time and on motion of Mr. Sanders, the Rules were suspended, the bill was read 3rd time by Title and passed by the following vote:

Ayes—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—None.

Absent—Barbour, Steell.

Title agreed to.

H.B. 91—"An Act to legalize the action of School District No. 7 in Gallatin County, Montana Territory" was read 1st and 2nd time and Mr. Sanders moved to amend by inserting the following: "Provided that nothing herein contained shall be interpreted to confirm the issuance of more than fifteen thousand dollars of bonds under said act" which amendment was adopted.

On motion the Rules were suspended, the bill ordered engrossed for 3rd reading.

H.B. 92—"An Act constituting certain buildings County Jails" was read 1st and 2nd time and rules suspended, the bill considered engrossed, read 3rd

time and Mr. Beach offered the following amendments. Add to Sec. 1. "But the aggregate amount paid in the purchase or construction of such buildings away from the County seat of said County shall not exceed seven thousand dollars."

On motion of Mr. Sanders the Bill was re-committed to Members from Deer Lodge County.

H.B. 93—"Authorizing Probate Judge of Deer Lodge County to convey certain property" was read 1st and 2nd time and on motion of Mr. Forbis, the rules were suspended and the bill read 3rd time and passed by the following vote:

Ayes—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—None.

Absent—Barbour, McCormick, Steell.

Title agreed to.

H.B. 94—"An Act concerning certain Nuisances" was read 1st and 2nd time and referred to Judiciary Committee.

H.B. 30—"An Act in relation to fees of County Clerks" was read a 3rd time and Mr. Hamilton moved to suspend the Rules and recommit the bill, which motion was lost and the Ayes and Noes being called the bill passed by the following vote:

Ayes—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, McCormick, McElroy, Mood, Perkins, Robinson, Sanders, Stuart, Sweeney - 17.

Noes—Hamilton, Harrington, Marion, Noyes, Thorpe, Wilson, Mr. Speaker - 7.

Absent—Barbour, Steell.

Title agreed to.

The Enrollment Committee reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that H.B. No. 12—"An Act prescribing a bounty for the destruction of certain animals".

H.B. 35—"An Act to amend An Act concerning Crimes and punishments."

H.B. 27—"An Act to repeal an Act prohibiting the sale of liquor to Indians." [sic]

H.B. 48—"An Act to provide for keeping the Records of the District Courts at the County seats of the Counties where such Courts may be held."

H.B. 62—"An Act to consolidate offices."

H.B. 74—"An Act limiting compensation in certain cases."

Also, C.B. No. 29—"An Act to provide for the Codification of the General Laws of Montana Territory."

C.B. 28—"An Act to correct reference to section of the Code of Civil procedure."

C.B. No. 7—"An Act to prevent the trespassing of animals on private property."

C.B. No. 23—"An Act to amend An Act providing for the collection of revenue."

C.B. 14—"An Act to provide for the keeping and maintaining of Territorial Convicts in the U.S. Penitentiary at Deer Lodge."

Also, C.B. No. 27—"An Act to repeal Sec. 6 of an Act to provide for the collection of revenue approved Jan'y 12, 1872" were delivered to the Governor at 8 O'clock P.M. Feby 18, 1879.

Forbis

H.B. 53—"An Act in relation to fees of Sheriffs" was read 3rd time and Mr. Forbis moved to indefinitely postpone which motion was lost by the following vote:

Ayes—Barbour, Cornick, Forbis, Hamilton, Marion, McElroy, Noyes, Wilson, Mr. Speaker.

Noes—Beach, Boardman, Boyer, Brooke, Combs, Edwards, Fergus, Harrington, McCormick, Mood, Perkins, Sanders, Stuart, Sweeney, Thorpe.

The Ayes and Noes were then called on the final passage of the bill when following members answered Aye as their names were called: Beach, Boardman, Boyer, Brooke, Combs, Edwards, Fergus, Harrington, McCormick, Mood, Perkins, Sanders, Stuart, Sweeney, Thorpe. Those voting No were: Barbour, Cornick, Forbis, Hamilton, Marion, McElroy, Noyes, Robinson, Wilson, Mr. Speaker.

Title was agreed to.

H.B. 68—"An Act regulating the fees and duties of Co. Commissioners" was read 3rd time and Mr. Sanders moved the rules be suspended and the bill recommitted, which motion was lost and the bill was passed by the following vote:

Ayes—Barbour, Boardman, Boyer, Brooke, Cornick, Forbis, Hamilton, Marion, McElroy, Mood, Noyes, Robinson, Stuart, Sweeney, Wilson, Mr. Speaker - 16.

Noes—Beach, Combs, Edwards, Fergus, Harrington, McCormick, Perkins, Sanders, Thorpe - 9.

Title was agreed to.

On motion of Mr. Sanders the House took a recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed.

Speaker pro tem in the Chair.

Roll called—Quorum present.

Mr. Sweeney moved a Call of the House.

On motion of Mr. Sanders further proceedings under the Call were dispensed with.

Committee of conference on C.B. 1—"An Bill for an Act concerning limitation" reported as follows:

Mr. Speaker,

Your Conference Committee on the disagreeing votes of the two Houses on C.B. No. 1—"A Bill for an act concerning limitation" has met the conference Committee of the Council and had a full and free conference thereon.

Your Committee recommend in deference to the desire of the Council that the following be added as Section two of the bill.

And as so amended that the Bill do pass. Like recommendation will be made to the Council by the Conferees therefrom. All of which is respectfully submitted.

Sanders, Hamilton

Amendment recommended by the Committee was as follows:

Sec. 2nd. The time limited by Sec. 44 of An Act Entitled "An Act to provide a Code of civil procedure in the Territory of Montana approved Feby 16th 1877, as to course of action defined in subdivision three of said Sec. is hereby prolonged one year but if any account or other liability mentioned in said subdivision three has heretofore accrued the time which has elapsed from the time the same became due up to the time of the passage of this Act shall be counted as part of the three years of limitation thereof but nothing in this act contained shall be interpreted or held to revive any claims which has been barred by the operation of said section and in all other respects this statute shall be qualified and interpreted as if it had been a part of said Sec. 44 at the time the same was passed."

On motion of Mr. Sanders the amendments reported by the Conference Committee were adopted.

The following Message was received from the Council:

Mr. Speaker,

I am directed by the Council to inform the House that Sanders introduced C.B. 44—"An Act to prevent unlawful interference with private rights and private property".

The following have passed the Council and are transmitted:

C.C.R. 6 tendering thanks to General Brisbin.

Sub. for H.B. 33, title amended to read "An Act concerning the appropriation of moneys collected for Licenses or other Taxes" with further amendments annexed.

C.B. 43, Title amended to read "An Act to provide additional compensation to the Territorial Treasurer for services to be rendered as Ex-officio Superintendent of Public instruction".

That H.B. 78—"An Act to amend An Act entitled An Act to amend An Act to facilitate the conviction of Robbers" was lost.

Respectfully
Harry R. Comly
Chief Clerk

Mr. Forbis moved that House do not concur in Council Amendments to H.B. 33 and that Council be requested to recede which motion prevailed.

C.C.R. 6 tendering thanks of Legislative Assembly to Gen'l Brisbin was read and adopted.

Engrossment Committee reported as follows:

Mr. Speaker,

Your Comt on Engrossment have examined and find correctly engrossed Substitute for H.B. 7—"An Act to provide for Estrays".

And, H.B. No. 83—"An Act to protect Bison in certain Counties in Montana Territory."

Harrington

C.B. 20—"An Act concerning foreign Incorporations" being upon its final passage.

Mr. Brooke moved a suspension of the rules, which motion was lost and the Ayes and Noes being called, the bill was passed by the following vote:

Ayes—Barbour, Boardman, Combs, Cornick, Forbis, Marion, McCormick, McElroy, Noyes, Sanders, Stuart, Sweeney, Thorpe, Mr. Speaker - 14.

Noes—Beach, Boyer, Brooke, Edwards, Fergus, Hamilton, Harrington, Perkins, Robinson, Steell, Wilson - 11.

Title was agreed to.

Mr. Forbis moved a reconsideration of the vote which motion was on motion of Mr. Sanders laid upon the Table.

The Enrollment Comt reported as follows:

Mr. Speaker,

Your Joint Comt on Enrollment beg leave to report that it has examined and compared the following bills and resolutions and find the same correctly enrolled.

C.B. No. 29—"An Act to Incorporate the Town of Butte". [sic]

Also, H.B. 43—"An Act to provide for the payment of certain expenses."

Also, H.B. 22—"An Act to establish and regulate the fees of Assessors."

Also, H.B. 45—"An Act authorizing Assessors to appoint deputies."

Also, H.J.R. No. 5—referring to information concerning Montana.

Forbis

Mr. Speaker announced that he was now about to sign H.B. 45—"An Act authorizing Assessors to appoint deputies".

Also, H.B. 43—"An Act to provide for the payment of certain expenses."

Also, H.J.R. 5 referring to information concerning Montana.

The following message was received from the Secretary of the Territory:
Hon. Samuel Word, Speaker of the House of Representatives
Sir,

The following telegram is transmitted for information.

Washington, D.C., Feb. 19, 1879

James H. Mills,

Legislative salaries restored for this session, Deficiency will be provided.

(Signed) Martin Maginnis

While I will be unable, under my instructions and the appropriation, to pay at present, more than the \$4.00 per day as per decision of the Honorable First Comptroller of the Treasury, dated Dec. 18th 1878, it seems clear members will receive eventually \$6.00 per day.

I am Very Respectfully
James H. Mills, Secy

H.B. 64—"An Act fixing the rate of toll for grinding grain" was read a 3rd time and passed by the following vote:

Ayes—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, Mood, Noyes, Perkins, Robinson, Steell, Stuart, Wilson, Mr. Speaker - 21.

Noes—Sanders, Sweeney, Thorpe.

Absent—Barbour, McElroy.

Title was agreed to.

H.B. 50—"An Act defining the qualifications of Members of the Legislative Assembly" was read a 3rd time and lost by the following vote:

Ayes—Boyer, Edwards, Fergus, Mood, Sanders, Steell, Sweeney - 7.

Noes—Beach, Boardman, Brooke, Combs, Cornick, Forbis, Hamilton, Harrington, Marion, McCormick, Noyes, Perkins, Robinson, Stuart, Thorpe, Wilson, Mr. Speaker - 17.

Absent—Barbour, McElroy.

H.B. 63—"An Act to amend Sec. 48 of the Montana School law" was read a 3rd time and passed by the following vote:

Ayes—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—None.

Absent—Barbour, McElroy.

Title was agreed to.

On motion of Mr. Thorpe H.B. 65—"An Act to amend Sec. 3 of An Act to authorize the holding of County Teachers Institute" was recommitted to the Comt on Educaton and Labor.

H.B. 55—"An Act to amend An Act entitled An Act to provide a Code of Civil procedure in the Territory of Montana" was read a 3rd time and passed by the following vote:

Ayes—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—None.

Absent—Barbour, McElroy.

Title was agreed to.

H.B. 69—"An Act prescribing the duties of certain officers and prescribing a penalty for the non-performance of their duties" was read a 3rd time and passed by the following vote:

Ayes—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—None.

Absent—Barbour, McElroy, Mood.

Title was agreed to.

H.B. 19—"An Act to encourage Steamboat Navigation on the upper Missouri river" was read a 3rd time and Mr. Steell moved its indefinite postponement upon which the Ayes and Noes were called and the motion prevailed by the following vote:

Ayes—Beach, Edwards, Fergus, Hamilton, Harrington, Marion, McElroy, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson - 16.

Noes—Boardman, Boyer, Brooke, Combs, Cornick, Forbis, McCormick, Mr. Speaker - 8.

Absent—Barbour, Mood.

H.B. 41—"An Act to provide for the payment by Deer Lodge Co. of certain expenses incurred during the Nez Perce War of 1877" was read a 3rd time and passed by the following vote:

Ayes—Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Noyes, Perkins, Robinson, Steell, Stuart, Thorpe, Wilson, Mr. Speaker.

Noes—None.

Absent—Barbour, Beach, Mood, Sanders, Sweeney.

Title was agreed to.

H.B. 67—"An Act to promote the fishing interests of Montana Ter." was read a 3rd time and lost by the following vote:

Ayes—Boardman, Brooke, Cornick, Fergus, Marion, McCormick, Noyes, Sanders, Stuart, Mr. Speaker - 10.

Noes—Boyer, Combs, Edwards, Forbis, Hamilton, Harrington, McElroy, Perkins, Robinson, Thorpe, Wilson - 11.

Absent—Barbour, Beach, Mood, Steell, Sweeney.

Mr. Sanders gave notice of a motion to reconsider the vote.

H.B. 70—"An Act to amend Chap. 61 of the Laws of Montana Ter." was read a 3rd time and passed by the following vote:

Ayes—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McElroy, Noyes, Perkins, Robinson, Sanders, Stuart, Thorpe, Wilson, Mr. Speaker - 21.

Noes—None.

Absent—Barbour, McCormick, Mood, Steell, Sweeney.

Title was agreed to.

By leave of the House, Mr. Brooke introduced H.B. 95—"An Act to encourage the manufacture of sugar in the Territory of Montana".

On motion the House adjourned.

Attest

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

THIRTY NINTH DAY

House of Representatives
February 28th, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following communication was received from the Governor:

Territory of Montana
Executive Department
Helena Feby 20, 1879

Hon. Samuel Word, Speaker of the House of Representatives:

Sir,

I have the honor to return H.B. 27—"An Act to repeal an Act prohibiting the sale of liquor to soldiers".

The Government of the United States has sent a portion of the Army into Montana and maintains the same here for the protection of the citizens from Indian depredations.

I do not think that protection can be made effective by authorizing the sale of intoxicating Liquors to soldiers, thereby destroying the discipline of the Army and rendering it unable to afford the protection to our people that a wise and liberal government intends to extend to us.

I regard it as a duty we owe to the government, as well for our own protection, that we should by every legitimate means in our power aid and assist in preserving the discipline of the troops serving in the Territory.

By authorizing the sale of liquor to soldiers, every Military Reservation in the Territory may be surrounded by whiskey shops and the troops demoralized by intoxication. The Officers of the Army as well as the Government will thank the people of the territory for any law that will prohibit the sale of intoxicating liquors to soldiers.

It may be claimed that the law should be repealed because it is not strictly enforced, but that is no reason for its repeal. I am informed that the law has been enforced and with good effect on the discipline of the troops.

I cannot assent to the repeal of the law and the bill is returned for reconsideration.

Respectfully
B.F. Potts

Sanders moved to reconsider the vote by which H.B. 27 was passed, which motion prevailed and the question being shall this Bill pass, the objections of the Governor to the contrary notwithstanding, the bill was lost by the following vote:

Ayes—Barbour, Cornick, Hamilton, Marion, McCormick, McElroy, Noyes, Perkins, Steell, Sweeney - 10.

Noes—Beach, Boardman, Boyer, Brooke, Combs, Edwards, Fergus, Forbis, Harrington, Mood, Robinson, Sanders, Stuart, Thorpe, Wilson, Mr. Speaker - 16.

Mr. Speaker announced that he was now about to sign C.B. 5—"An Act to incorporate the Town of Butte".

Ways and Means reported as follows:

Mr. Speaker,

Your Committee on Ways and Means to whom was referred H.B. No. 84—"An Act to provide for the outstanding indebtedness and the redemption of the same" under consideration and beg leave to report it back with the following amendments.

Amend Sec. 1 by striking out the words "the rate of" in lines 8 & 9 and insert in lieu thereof the words "a rate not exceeding".

Also amend Sec. 2 by inserting after the word "sealed" in line 6 the words "by the Secretary with the seal of the Territory". Also amend by striking out Sec. 10 of the bill. With these amendments, your Committee recommend that the bill do pass.

McCormick
Chairman

Amendments reported were adopted and Bill ordered engrossed.

Ways and Means Committee reported as follows:

Mr. Speaker,

Your Comt on Ways and Means to whom was referred substitute for H.B. No. 2—"An Act to provide for the bonding of the floating debt and for the refunding of the bonded debt of Missoula Co. and for other purposes" have had the same under consideration and beg leave to report the same back with the following amendments, to wit:

Strike out section 1 and insert the following in lieu thereof.

The County Commissioners of Missoula County are hereby authorized and empowered to issue on the credit of said County Coupon Bonds to an amount sufficient to enable them to redeem the over due fifteen (15) per cent bonds of said County with the accrued interest thereon which said bonds shall be redeemable at the pleasure of said County after (15) fifteen years from this date.

Amend section by striking out the words and figures "fifty (50)" in line 1 printed copy also strike the figures "7-3/10" in line 2 and insert in lieu thereof the words "six".

Amend Sec. 3 by striking the words and figures "seven and three tenths 7 3/10" in line 3 and insert in lieu thereof the word "six". Strike out all of line five after the word "thereon". Also all of line six to the word "provided" and in line seven strike out the words "and ten". Also amend by striking out all of Sec. 3 after the word "bonds" in line (7) seven. Also amend Sec. 6 by inserting after the word "upon" in line ten of said Sec. the words "the ten per cent bonds" and also amend Sec. 6 by inserting after the word "Act" in line (15) the words "And the ten per cent bonds". Also amend said Sec. by inserting after the word "Act" in line (18) the words "and the ten percent bonds of said

County" also amend by inserting after the word "Seven" in said line, the words "with the interest thereon". Also strike out all of line 18, 19, 20, 21 & 22. After the word "invested in" said line 18 and insert in lieu thereof the following words "as hereinafter provided". Also amend said Sec. by adding the following thereto.

Ninth. For the payment of outstanding warrants on the contingent fund not to exceed one-half ($\frac{1}{2}$) mill on the dollar.

Tenth. For the payment of outstanding warrants on the road and bridge fund not exceeding one-half ($\frac{1}{2}$) mill on the dollar.

Eleventh. For the payment of outstanding warrants on the poor fund not exceeding one-half ($\frac{1}{2}$) mill on the dollar.

Twelfth. For the payment of outstanding warrants on the general fund not exceeding one-half ($\frac{1}{2}$) mill on the dollar.

Thirteenth. For the payment of outstanding warrants on the road fund not to exceed one-half ($\frac{1}{2}$) mill on the dollar.

Amend Sec. 8 by striking out all of said section after the word "Act" in line four of said section.

Also amend Sec. 9 by striking out the word "the" after the word "and" in line one and insert in lieu thereof the word "sixty". Also amend by adding the following to Sec. 9 and the residue of said License tax shall be placed to the credit of the general fund.

Amend Sec. 12 by striking out all of line two after the word "due" in said line and all of line three up to and including the figures "1877".

Also amend said Sec. by striking out the word "five" in line 9 and insert in lieu thereof the word "six". Also amend Said Sec. by striking out all of line ten after the word "thereon". Also all of lines 11, 12, 13 and to and including the word "date" of line 14. Also strike out the word "five" in line 14 and insert in lieu thereof the word "six".

Also amend said section by striking out all of line 15 after the words "bonds" and all of line 16 up to and including the word "warrants". Also amend Sec. 13 by striking out all of line 8 after the word "value" in said line and all of line 9 of said section.

Strike out Sec. 16 and number the subsequent Sec. accordingly.

Strike out Sections 18 & 19.

With these Amendments your Committee report the bill back to the House with the recommendation that it be considered in Committee of the Whole House.

McCormick, Chairman

On motion of Mr. Sweeney the Bill was referred to a Select Committee of Members from each County.

Mr. Speaker designated as such Committee Messrs. Beach, Mood, Hamilton, Cornick, Brooke, Thorpe, McCormick, Barbour, Marion, Steell, Edwards.

The following Communication was received from the Governor.

Territory of Montana
Executive Department
Helena Feby 19, 1879

Hon. Samuel Word, Speaker of the House of Representatives
Sir,

I have the honor to return to the House of Representatives without my approval H.B. No. 74—Entitled "An Act limiting compensation in certain cases".

The first reading of this Bill would naturally leave the impression that it is personal in its character, but when we reflect that it emanated from a gentleman of high character, who is entirely free from malice, ill will, or personal pique and who never forgets the obligations of his oath and is entirely unselfish in all act and that its other supporters are alike free from the charge of using their official position for personal ends; this impression is at once removed.

From the foregoing considerations we are compelled to assume that some high object is to be obtained by the Enactment of the measure. Can that object be discovered by a careful consideration of the bill. Have the officers heretofore appointed by the Executive with or without the consent, of the Council, been faithless to the trust imposed? Has the Territory lost a single penny by the faithlessness of a territorial Officer appointed by executive Authority?

Their acts have been carefully examined by every Legislative Assembly since 1871 and no loss to the people has been discovered.

Can as much be said for the Territorial officers elected by the people in 1868 or for the management of affairs in the several Counties by officers elected by the people? Is it evidence of incompetency or faithlessness on the part of the Territorial Officers appointed by Executive authority that the Territorial Credit has appreciated from 70 cts on the dollar to one and one half per cent premium and the interest on Territorial bonds reduced one third from 15 per cent per annum to 10 per cent per annum under their management all this has been accomplished with a levy for territorial purposes of one fourth less than when Territorial affairs were managed by Officers elected directly by the people and notwithstanding the reduction of the levy for Territorial purposes and the additional cost to the Territory of the maintenance of over thirty insane persons and more than twenty additional convicts, the recent territorial management has been gradually liquidating the debt of the Territory.

With such a record as this for territorial officers appointed by Executive Authority, I cannot believe that such legislation was suggested by any malfeasance on the part of any of said Officers.

I cannot believe that because no nominations have been made for the offices of Territorial Auditor and Territorial Superintendent of Public Instruction that such a bill was deemed necessary for upon reflection members will remember that a notice was given in the Council early in the Session that a bill would be introduced for the consolidation of the two offices aforesaid and some weeks since a like notice was given in the House of Representatives and finally a bill was introduced and passed.

Now, had nominations for these offices, pending this legislation been made, I would have been charged with attempting to frustrate legislation upon the subject. I preferred that no act of mine in this or any matters before the Legislature should be so construed as an attempt on my part to control legislation. I have no other wish in the matter, than that every member should

be perfectly free to act on his own individual judgment upon all questions and I claim and will exercise the same privilege to the fullest extent.

The bill is objectionable because it gives the Governor the power to force the Council to confirm an objectionable man or create a vacancy that will suspend the operation of the Territorial government.

I cannot believe that the bill received the careful consideration of the Legislative Assembly or no such dangerous power would have placed in the hands of the governor.

I therefore return the Bill to the Legislative Assembly for its further consideration trusting that the objectionable features of the bill will be apparent to every member and that upon reflection the Council may not be placed in such unfortunate dilemma as to be compelled to except objectionable men for Territorial officers.

Respectfully
B.F. Potts

Mr. Sanders moved to reconsider the vote by which H.B. 74 was passed which motion prevailed and the question being shall this bill pass the objections of the Governor to the contrary notwithstanding the bill was passed by the following vote:

Ayes—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 24.

Noes—Barbour, McCormick.

On motion of Mr. Sanders C.B. 43—"An Act to provide additional compensation to the Territorial Treasurer for services to be rendered as Ex Officio Supt. of Public Instruction" was taken up, read 1st and 2nd time, rules suspended, considered engrossed, and passed by the following vote:

Ayes—Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—Barbour.

Absent—Forbis.

Title agreed to.

The following Message was recd from the Council:

Mr. Speaker,

I am directed by the Council to inform the House that Council Substitute for H.B. 17—"An Act to establish the fees of District Attorneys".

H.J.M. 12, In regard to Public Highways from mouth of Big Horn River to Henry's Lake.

H.B. 77—"A Bill for an Act to establish a public Highway in township 11, County of Lewis and Clark" (under suspension of rules) C.B. 21—"An Act concerning Fire Insurance Companies and agents" have passed the Council and are transmitted.

That, C.B. 41—"An Act to encourage the manufacture of sugar in the Territory of Montana" was lost.

Respectfully
Harry R. Comly
Chief Clerk

The Judiciary Comt reported as follows:

Mr. Speaker,

Your Judiciary Committee to which was referred H.B. No. 7—"An Act to tax Jury fees" have considered said bill and herewith submit an amendment without recommendation.

J.C. Robinson
Chairman

The Amendment reported was as follows:

Strike out after the enacting clause and insert as follows:

Sec. 2. That for every case tried by a Jury in the District Court there shall be taxed as part of the cost and when collected paid into the Treasury of the County in which such Court is held a Jury fee of three Dollars for each Juror empaneled to try said case which shall be placed to the credit of the general fund of said County.

The Amendment was adopted.

Mr. McCormick moved to amend as follows "except in the County of Missoula it shall be paid into the current expense fund". Amendment was adopted and the bill ordered engrossed.

The Engrossment Comt reported as follows:

Mr. Speaker,

Your Comt on Engrossment have examined and find correctly engrossed H.B. 91—A Bill for "An Act to Legalize the action of School District No. 7 in Gallatin County, Montana Territory".

Harrington

The Comt on Towns and Counties reported as follows:

Mr. Speaker,

Your Committee on Towns and Counties beg leave to report that it has examined and considered H.B. 56—"An Act amending the Townsite Law" and reports the same back without recommendation.

Forbis
Chairman

The bill was ordered engrossed.

Mr. Robinson reported as follows:

Mr. Speaker,

The Committee on Corporations to which was referred H.B. 79—"A Bill for an Act to provide for the incorporations of religious and other associations" beg leave to report that it has considered said Bill and recommend that the same do pass.

Robinson
Chairman

Mr. Thorpe moved a suspension of the rules that the bill be considered engrossed, read 3rd time and placed upon final passage which motion

prevailed.

The bill was so read and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marrion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—None.

Title was agreed to.

The Judiciary Comt reported as follows:

Mr. Speaker,

The Judiciary Comt to whom H.B. 25 was committed, "An Act to amend an Act in relation to irrigation and water rights" with Council Amendments thereto beg leave to report that it has considered said bill with such Amendments and recommend that the House concur in said Amendments.

Robinson
Chairman

Subs recommended was adopted, the rules were suspended, the same read a 3rd time and passed by the following vote:

Ayes—Barbour, Boardman, Boyer, Combs, Cornick, Edwards, Hamilton, Harrington, Marion, McCormick, McElroy, Noyes, Perkins, Robinson, Sanders - 15.

Noes—Beach, Fergus, Mood, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 9.

Absent—Brooke, Forbis.

Title was agreed to.

On motion of Mr. Robinson House took recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

The Ways and Means Comt reported as follows:

Mr. Speaker,

Your Comt on Ways and Means to whom was referred H.B. 52—"An Act to amend An Act concerning Licenses" beg leave to report that we have examined the same and would recommend the following. Strike out the second subdivision in Sec. 1 and insert in lieu thereof the following.

Second. From the manager or lessee of every Theater, two dollars per day or fifteen dollars per month or thirty dollars per quarter and for each exhibition of opera or Concert Singers, Minstrels, variety troupe, slight of hand performances, legerdemain and also other shows or exhibitions (except exhibitions and concerts for school or charitable purpose) a license of five dollars per day shall be exacted.

Amend third subdivision by adding after the word "women" in first line the words "dance or".

Amend fourth subdivision by striking out all of said subdivision after the word "of" in third line and insert in lieu thereof the following, to wit: Ten dollars per quarter for each company represented by said agent.

After the seventh subdivision add the following, to wit:

For each Stallion or Jack kept for service where revenue is derived twenty five dollars per annum.

Also add thirteenth subdivision of said act and amend by renumbering it.

Ninth. Amend to read as follows to wit: Every keeper of a picture gallery, daguerreotypist, photographer, or other artist shall pay a license tax of ten dollars per quarter or five dollars per month.

McCormick

Mr. Sanders moved to amend Amendment as follows: Strike out "Two dollars" and insert "one dollar" in lieu thereof. Amendment was adopted.

Mr. Hamilton moved to amend amendments reported by striking out all that portion relating to Insurance Agents and Companies.

The amendment was adopted.

Mr. Forbis moved to amend 9th Amd. reported by striking out all after words "tax of" and insert in lieu thereof the following "twenty dollars per year or two dollars per month" which amendment was adopted.

Mr. Fergus moved to Amend by striking out three lines in Amds. reported after words "to wit".

As so amended the amendments reported adopted and the bill ordered engrossed.

The Committee on Territorial Affairs reported as follows:

Mr. Speaker,

Your Comt on Territorial Affairs to whom was referred H.B. No. 76—Entitled "An Act requiring certain Officers to report under a penalty and to provide for certain printing" having had the same under consideration would report the same back to the House with the recommendation that it do pass.

Sweeney
Chairman

On motion of M. Forbis the Rules were suspended, the Bill considered read 3rd time and passed by the following vote:

Ayes—Boardman, Boyer, Fergus, Forbis, Hamilton, Harrington, McElroy, Noyes, Perkins, Stuart, Sweeney, Wilson, Mr. Speaker - 13.

Noes—Sanders.

Absent—Barbour, Beach, Brooke, Combs, Cornick, Edwards, Marion, McCormick, Mood, Robinson, Steell, Thorpe - 12.

Title amended to read "An Act requiring certain Officer to report".

The Committee on Grazing and Stock-growing reported as follows:

Mr. Speaker,

A majority of your on Grazing and Stock-growing to whom was referred H.B. 82 has had the same under consideration and respectfully report the same back with recommendation that it do pass.

Brooke
Fergus
Perkins

On motion of Mr. Sanders the Rules were suspended, the bill considered engrossed and filed for 3rd reading.

The Committee on Grazing and Stock-growing reported as follows:

Mr. Speaker,

Your Comt on Grazing and Stockgrowing to whom was referred C.B. 33—"An Act to provide for printing Marks and Brands" herewith submit the accompanying amendments and recommend that with the amendments the bill do pass.

Brooke
Chairman

The amendments accompanying the report was as follows:

Amend by striking out the word "Auditor" where it occurs in the bill and inserting the word "treasurer".

Also Amend by striking out all of Sec. 4 and inserting, The Treasurer is hereby authorized to expend the sum of sixty dollars or so much thereof as may be necessary in procuring engrossed copies of the brands placed on record for publication and said copies shall remain the property of the Territory to be used in printing said marks and brands, and the Auditor is authorized to issue his warrant for the amount so expended, not to exceed the sum of sixty dollars.

Also amend by adding Sec. 5. The Recorder of Marks and Brands shall not record any two like brands if upon the same place on the animal.

The Amendments reported were adopted and ordered engrossed.

The Committee on Education and Labor reported as follows:

Mr. Seaker,

Your Comt on Education and Labor to which was referred H.B. 65—A Bill for "An Act to amend Sec. 3 of an Act to authorize the Holding of County Teachers Institutes" would report the same back to the House with the recommendation that an additional Sec. be added to the bill which is hereby transmitted.

Thorpe
Chairman

The Amendments reported were adopted and the bill ordered engrossed.

The Comt on Education and Labor reported as follows:

Mr. Speaker,

Your Committee on Education and Labor to which was referred H.B. 88—A Bill for "An Act to establish and regulate the fees of County Superintendent of Common school" would beg leave to report that they have had the Bill under consideration and herewith transmit the same back to the House without recommendation.

Thorpe
Chairman

On motion of Mr. Sanders, the Rules were suspended, the Bill considered engrossed and filed for 3rd reading.

The Comt on Election reported as follows:

Mr. Speaker,

Your Committee on Elections to whom was referred C.B. 31 being a bill for "An Act to provide for the collection of the special poor and special road tax" beg leave to report the same back with the accompanying amendments with the recommendation that the same be adopted and do pass.

Beach
Chm

Amendments reported were adopted and ordered Engrossed.

The Committee on Territorial Affairs reported as follows:

Mr. Speaker,

Your Comt on Territorial Affairs to whom was referred Communication of His Excellency the Governor having had the same under consideration would report as follows.

Your Comt is of the opinion that while a Territorial Hospital would be beneficial to those who probably will have to be supported by the Territory for several years.

Your Committee cannot see where any financial benefits would be gained by the different counties when the cost of transportation is taking into consideration in connection with those unfortunate creatures. There is also many cases where the parties could not stand the hardships of a long and tedious journey and consequently would have to remain in the County in which they had been afflicted.

Your Comt therefor return the communication without action.

Sweeney
Chm

Amend by striking out all after the Enacting clause and insert the following in lieu thereof.

Sec. 1. That all persons who do not pay an advalorem tax in the Territory of Montana shall be required to show to the Judges of election before they shall be entitled to vote at any general election a receipt to the effect that they have paid their special poor and road tax for two years next preceding such Election or make oath to the effect that they have so paid the same.

Sec. 2. This act shall not apply to such persons as have not resided in this Territory six months next preceding such election.

Sec. 3. All acts and parts of acts contrary to the provisions of this act are hereby repealed.

Committee on Agriculture and Manufactures reported as follows:

Mr. Speaker,

Your Comt of Agriculture and Manufactures to whom was referred H.B. 89—"An Act in relation to fence" beg leave to make the following report.

That we have had the same under consideration and recommend that Sec. 1 and 7 be stricken out and the remaining section be renumbered 1-2-3-4-5-6 and as so amended Your Committee recommend that the bill do pass.

All of which is respectfully submitted.

Mood
Chm

The Amendments reported were adopted and the bill was ordered engrossed.

Ways and Means Committee reported as follows:

Mr. Speaker,

Your Comt on Ways and Means to whom was referred Council Bill 30—"An Act to amend Sec. 10 of an Act Concerning Licenses" beg leave to report that they have had the same under consideration and I am led to believe that passage of the said bill will encourage an industry in our Territory that will be directly beneficial to a large portion of our people in that it looks towards opening a market for a portion of the Agricultural products of our territory and your Committee would therefore recommend that the bill do pass.

All of which is respectfully submitted.

McCormick
Chm

Also as follows:

Mr. Speaker,

Your Comt of Ways and Means to whom was referred H.B. 87—"A Bill for An Act concerning Licenses" beg leave to report that they have the same under consideration and recommend that it do pass.

Respectfully submitted.

McCormick, Chm

On motion of Mr. Sanders the Rules were suspended, bill considered engrossed and filed for 3rd reading.

Ways and Means Comt reported as follows:

Mr. Speaker,

Your Committee of Ways and Means to whom was referred H.B. 80—"A Bill for an Act to amend an Act entitled an Act providing for the collection of revenue approved June 12, 1872" beg leave to report that they have had the same under consideration and earnestly recommend its passage.

Respectfully submitted.

McCormick
Chm

On motion of Mr. Sanders the Rules were suspended, Bill considered engrossed and filed for 3rd reading.

Mr. Robinson reported as follows:

Mr. Speaker,

The Select Comt to which was referred H.B. 92 beg leave to report the substitute herewith which said Comt recommend do pass.

Robinson
Chm

Substitute was adopted. On motion of Mr. Sanders the Rules were suspended, Bill considered Engrossed and read 3rd time and passed by the following vote:

Ayes—Barbour, Boardman, Combs, Cornick, Fergus, Harrington, Noyes, Robinson, Sanders, Stuart, Sweeney, Mr. Speaker.

Noes—Beach, Brooke, Edwards, Hamilton, McElroy, Mood, Perkins, Steell, Wilson.

Absent—Boyer, Forbis, Marion, McCormick, Thorpe.

Title was agreed to.

Ways and Means Comt reported as follows:

Mr. Speaker,

Your Comt of Ways and Means to whom was recommitted H.B. 32—"An Act for the relief of W.F. Sanders and W.E. Cullen" beg leave to make the following report. That they have carefully considered the same and recommend that the bill be amended as follows:

Mr. Speaker,

Your Comt of Ways and Means to whom was recommitted H.B. 32—"An Act for the relief of W.F. Sanders and W.E. Cullen" beg leave to make the following report. That they have carefully considered the same and recommend that the bill be amended as follows:

Strike out "five hundred" where it occurs in the bill and insert in lieu thereof "two hundred" and as so amended your Comt recommend that the bill do pass.

Respectfully submitted.

McCormick

The Amendments were adopted and the bill was ordered engrossed.

Judiciary Comt reported as follows:

Mr. Speaker,

The Judiciary Committee to which was referred H.B. 57—Bill for "An Act to amend An Act entitled An Act concerning Crimes and punishments" beg leave to report that it has considered said bill and recommend that it be amended as follows. Strike out of Sec. 3 the words "three fourths blood" where they occur therein and in lieu thereof insert the words "half breed". And also strike out of said section the word "shall" in line 17 of said section and in lieu thereof insert the words "may in addition to such fine". Amend sec. 4 by adding thereto as follows: Provided that the repeal of said section shall not be so construed as to in any way interfere with the conviction and punishment of any person charged or that may be charged with a violation of any of said section and provided further that any person convicted of a violation of any said sections shall be punished as provided in said section as amended. Amend Sec. 5 by inserting after the word "law" the words "or by his direction". Also strike out the words "One hundred" and in lieu thereof insert the word "ten" also strike out the word "three" and in lieu thereof insert the word "one". And strike out all of said section after the words "three hundred dollars". Amend section six by striking out the word "shall" in line 15 of the 2nd page of said section and insert word "may" in lieu thereof and as so amended said Committee recommend that said bill do pass.

Mr. Sanders moved to amend amendment by striking out Section 3 of the Bill which motion prevailed. Amendments were adopted and Bill ordered engrossed.

The following message was received from the Council.

Mr. Speaker,

I am directed by the Council to inform the House that the Council reconsidered H.B. 74—"An Act limiting compensation in certain cases" and the bill passed the Governors objections to the contrary notwithstanding two Administrators" beg leave to report the same back without recommendation.

Respectfully
Harry R. Comly
Chief Clerk

The Judiciary Committee reported as follows:

Mr. Speaker,

The Judiciary Comt to which was referred H.B. 46—bill for "An Act to regulate the fees of Probate Judges and Clerks of Probate Courts and of Public Administrators" beg leave to report th same back without recommendation.

Robinson
Chairman

The Printing Comt reported as follows:

Mr. Speaker,

Your Comt on Printing has examined and find correctly printed H.B. 90—A Bill for "An Act to define Assessable property".

Harrington

The Bill was referred to the Comt on Ways and Means.

Engrossment Comt reported as follows:

Mr. Speaker,

Your Comt on Engrossment have examined and find correctly engrossed H.B. 56—"An Act amending the Town Site law".

Harrington

Mr. Sweeney reported as follows:

Mr. Speaker,

Your Comt consisting of the Members from Helena to whom was referred H.B. 38—Entitled A Bill for "An Act to amend the Helena Incorporation Act" beg leave to report the same back to the House with the accompanying Substitute and Your Committee would recommend that the said substitute do pass.

Sweeney
Chm

Substitute reported was adopted. On motion the Rules were suspended, Bill considered engrossed, read 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Hamilton, Harrington, Marion, McCormick, Mood, Noyes, Perkins, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—None.

Absent—Forbis, McElroy, Robinson.

Title was agreed to.

On motion of Mr. Beach the vote by which H.B. 67—"An Act to promote fishing interests of M.T." was lost was reconsidered.

Mr. Sanders moved to reconsider the vote by which the report of and amendments recommended by the Conference Comt on C.B. 1 were adopted which motion prevailed.

Substitute for C.B. 21—"An Act concerning Fire Insurance Companies and Agents" was read 1st and 2nd time and Sanders moved to amend by preceding Sec. 1 with these words "Be it enacted by the Legislative Assembly of the Territory of Montana" amendment was adopted and Bill referred to Committee on Territorial Affairs.

C.B. 40—"An Act to amend an Act to provide for the support care and maintenance of the County sick and poor" was read 1st and 2nd time and referred to Comt on Territorial Affairs.

The following Message was received from the Council.

Mr. Speaker,

The following bills have passed the Council and are transmitted.

Sub for C.B. 39—"An Act to enable the County Commissioners to intelligently settle with County Treasurers".

Also,

C.B. 40—"An Act to amend an Act to provide for the support care and maintenance of the County sick and poor."

Respectfully
Harry R. Comly
Chief Clerk

Also the following,

Mr. Speaker,

I am directed by the Council to inform the House that Substitute for H.B. 6—"An Act to compel butchers to record brands" has passed the Council.

The Council adheres to its amendments to H.B. 33—"An Act concerning the appropriation of moneys collected for Licenses or other taxes".

Resp
Harry R. Comly
Chf Clerk

Mr. Beach moved that the House adhere to its disagreement to Council Amendments to H.B. 33.

H.B. 6 was ordered enrolled.

The following Message was received from the Council.

Mr. Speaker,

I am directed by the Council to inform the House that, C.B. 34—"An Act to encourage the construction of Artesian Wells in the Territory of Montana" has passed the Council and is transmitted.

Respf.
Harry R. Comly
Chf. Clerk

C.B. 34 transmitted with above was read 1st and 2nd time and referred to Comt on Territorial Affairs.

The following Message was received from the Council.

Mr. Speaker,

I am directed by the Council to inform the House that Sanders gave notice of the introduction of a Bill for an Act to provide compensation for the Territorial Superintendent of Public Instruction.

The following have passed the Council and are transmitted.

C.J.R. 1 in relation to the appointment of a commissioner to examine the condition of the indigent Insane of the Territory and

Substitute for H.B. 13—"An Act concerning diseased animals".

Resp
H.R. Comly
Chf. Clerk

H.B. 13 was ordered enrolled. C.J.R. 1 was read 1st and 2nd time and referred to Committee on Territorial Affairs.

The following Message was received from the Council.

Mr. Speaker,

I am directed by the Council to inform the House that the Council has concurred in House Amendments to C.B. 29—"An Act to provide for the Codification of the General Laws of Montana Territory." That H.B. 86—"An Act to enable Meagher Co. to remove the Co. seat" upon suspension of the Rules was read 3rd time and passed. Title agreed to H.B. 75—"A Bill for an Act in relation to Insane Convicts" upon suspension of the rules was read 3rd time and passed H.B. 42—Bill for 'An Act to provide compensation for the clerks of the District Courts."

Council substitute for H.B. 23—"A Bill for an Act to establish and regulate the fees of Treasurers".

C.B. 32—"An Act concerning Water Rights" have passed the Council and are transmitted.

The Council concurred in House amendments to C.J.M. 1 asking the establishment of a Cavalry Post at Henry's Lake".

Resp.
Harry R. Comly
Chf. Clerk

Bills transmitted with the above were referred as follows:

H.B. 42	To Enrollment Committee
H.B. 75	To Enrollment Committee
H.B. 86	To Enrollment Committee
H.B. 77	To Enrollment Committee
H.J.M. 7	To Enrollment Committee

Mr. Sanders offered the following resolution, which was adopted.

Resolved that the papers sent to the House from the Council accompanying H.B. 17—"A Bill for An Act to establish the fees of District Attorneys". Without communication or statement concerning the same other than is found upon the history thereof be respectfully returned to the Council with the request that it be considered whether the same is in fact a substitute and whether it pertains to the same subject matter as the original bill and if in the judgment of the Council the same is parliamentary that the action of the Council thereon be stated officially to the House by the usual and prescribed channels.

C. Sub for H.B. 23 was read and on motion, House refused to adopt the same and Council was requested to recede therefrom.

Engrossment Committee reported as follows:

Mr. Speaker,

Your Comt on Engrossment have examined and find correctly engrossed H.B. 84—"A Bill to provide for the funding of the outstanding indebtedness and the redemption of the ten per cent bonds".

Harrington

On motion of Mr. Sanders the Rules were suspended and H.B. 84 was read 3rd time and passed by the following vote.

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Harrington, Marion, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—None.

Absent—Forbis, McCormick, Hamilton, McElroy.

Title amended to read "A bill for an Act refunding the indebtedness of Montana".

Engrossment Comt reported as follows:

Mr. Speaker,

Your Comt on Engrossment have examined and find correctly engrossed House Amendments to C.B. 33—"An Act to provide for printing Marks & Brands".

Harrington

C.B. 32—"An Act concerning Water rights" was read 1st time and rejected.

On motion the House took a Recess until 7 O'Clock P.M.

7 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

H.B. 95—"An Act to encourage the Manufacture of Sugar in the Territory of Montana" was read 1st and 2nd time.

Rules were suspended, read 3rd time by Title and passed by the following vote:

Ayes—Barbour, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Hamilton, Marion, Mood, Noyes, Perkins, Robinson, Stuart, Sweeney, Wilson.

Noes—Beach, Fergus, Harrington, McElroy, Steell, Mr. Speaker.
Absent—Forbis, McCormick, Sanders, Thorpe.

Title was agreed to.

H.B. 96—"An Act concerning corporations" was read 1st and 2nd time, Rules suspended, Bill considered engrossed, read 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Marion, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—Harrington. Absent—Hamilton, McCormick, Forbis.

Title amended to read "An Act to regulate the election of officers of Corporations".

H.B. 97—"An Act to create and improve Highways in Montana" was read 1st and 2nd time and Mr. Beach moved to amend by striking out "2/3" wherever it occurs in the bill and inserting "a majority" and striking out "1/3" where it occurs and insert "less than a majority". Amendment was adopted and bill referred to a Select Committee of Members from Lewis & Clark County.

H.B. 82—"An Act in relation to the taxation of calves under one year of age" was read 3rd time and passed by the following vote.

Ayes—Barbour, Beach, Brooke, Combs, Cornick, Edwards, Forbis, Harrington, Marion, McCormick, Mood, Perkins, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—Boyer, Fergus, Hamilton, McElroy, Noyes, Robinson. Absent—Boardman.

Title amended to read "A Bill to exempt Calves from taxation".

H.B. 83—"An Act to protect Bison in Certain Counties in Montana Territory" was read 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boyer, Brooke, Combs, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Thorpe, Wilson, Mr. Speaker.

Noes—Boardman, Cornick, Sweeney.

Title was agreed to.

H.B. 9—"An Act in relation to Estray Horses for the benefit of Public Schools" was read 3rd time and lost by the following vote:

Ayes—Boyer, Brooke, Combs, Cornick, McCormick, Stuart, Thorpe, Mr. Speaker.

Noes—Barbour, Beach, Boardman, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Sweeney, Wilson.

H.B. 67—"An Act to promote the fishing interests of Montana Territory" being on its final passage was passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—Perkins.

Title was agreed to.

On motion of Mr. Mood the House adjourned.

Attest

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

FORTIETH DAY

House of Representatives
February 21st, 1879

House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Comt on Enrollment reported as follows:

Mr. Speaker,

Your Joint Comt on Enrollment beg leave to report that it has examined and compared the following bills and memorials and find the same correctly enrolled.

H.B. 25—"An Act to amend an Act in relation to irrigation and water rights."

H.B. 6—"An Act to compel butchers to record brands."

C.B. 4—"An Act to provide for the funding of the Bonds of Jefferson Co. M.T."

H.J.M. 11 In relation to restoring a portion of the Crow Indian Reservation to the Public Domain.

C.J.M. 1 Asking the establishment of a Cavalry post at Henrys Lake.

Also, H.B. 86—"An Act to enable Meagher Co. to remove the County seat."

Forbis

Mr. Speaker announced that he was now about to sign H.B. 6—"An Act to require Butchers to keep a record of all animals slaughtered".

Also,

H.B. 25—"An Act to amend an Act in relation to Irrigation and Water Rights."

Also,

H.J.M. 11 In relation to restoring a portion of the Crow Indian Reservation to the Public Lands.

Committee on Engrossment reported as follows:

Mr. Speaker,

Your Comt on Engrossment have examined and find correctly engrossed H.B. 7—"An Act to tax Jury fees".

Harrington

Also as follows:

Mr. Speaker,

Your Comt on Engrossment have examined and find correctly engrossed H.B. 52—"An Act to amend an Act concerning License".

Harrington

Select Comt on H.B. 2 reported as follows:

Mr. Speaker,

The select Committee to which was referred H.B. 2—"An Act to provide for the bonding of the floating debt and for the refunding of the bonded debt of Missoula County and for other purposes" have had the same under consideration and beg leave to report the accompanying substitute and recommend that the same do pass.

McCormick
H.H. Mood
E.G. Brooke
J.E. Marion
S.B. Cornick
Steell

On motion of Mr. McCormick the Rules were suspended and H.B. 2—"An Act providing for funding the floating debt and refunding the bonded debt of Missoula" was taken up. Mr. Edwards moved to suspend the Rules, to amend the bill, which motion was lost and the Ayes and Noes being called upon "Shall the bill pass". The Bill was lost by the following vote:

Ayes—Barbour, Boardman, Combs, Cornick, Forbis, Marion, McElroy, Robinson, Sanders, Steell, Stuart, Noyes - 12.

Noes—Beach, Boyer, Brooke, Edwards, Fergus, Hamilton, Harrington, McCormick, Mood, Perkins, Robinson, Sweeney, Thorpe, Wilson, Mr. Speaker.

Mr. Speaker announced that he was now about to sign H.B. 86—"An Act to enable Meagher Co. to remove the County seat".

Also,

C.B. 4—"An Act to provide for the funding the bonds of Jefferson Co., M.T."

Also,

H.J.M. 11.

Engrossment Comt reported as follows:

Mr. Speaker,

Your Comt on Engrossment have examined and find correctly engrossed H.B. 32—"An Act for the relief of W.F. Sanders and W.E. Cullen".

Harrington

On motion of Mr. Sweeney, H.B. 32 reported as above was taken up, read 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Robinson, Steell, Stuart, Sweeney, Wilson, Mr. Speaker.

Noes—Fergus, Perkins, Thorpe. Absent—Sanders.

Title amended to read "A bill for an Act to pay for certain legal services".

The following Message was received from the Governor.

Territory of Montana
Executive Dept.
Helena, Feb. 20, 1879

Hon. Sam'l Word, Speaker of the House of Representatives

Sir,

I have the honor to return to the Legislative Assembly H.B. 62—Entitled "An Act to consolidate offices" without my approval.

This bill seeks to consolidate the office of Territorial Superintendent of Public Instruction with that of Territorial Treasurer. This is a step back backward and experience everywhere demonstrates that it is a serious mistake; to denominate it by no harsher term.

False economist are always ready to attack any system of free schools and they appear to think a high purpose has been accomplished if they can economize at the expense of the efficiency of schools.

Can it be that the people of Montana want to face about upon this question and look into the darkness and ignorance of the past, enveloped in superstition and prejudice or do they want to look into the sunlight of the future, filled with hope and freighted with the Godlike aspirations of millions yet to be. I challenge the friends of this measure to name a single state or Territory where the free school system is in successful operation but has a Superintendent of Public Instruction divorced from politics and from all other offices and whose whole time is required in the performance of the duties of his office.

I further challenge the friends of this measure to name a single educator in the land who thinks that the school superintendent is unnecessary.

I am opposed to any retrograde movement on this question and therefore return the bill for the further consideration of the Legislative Assembly.

Respectfully
B.F. Potts

On motion of Mr. Sanders the vote by which H.B. 62 was passed was reconsidered and the question being shall this bill pass the objections of the Governor to the contrary notwithstanding, the vote was as follows:

Ayes—Beach, Combs, Edwards, Fergus, Harrington, Marion, Mood, Perkins, Robinson, Steell, Sweeney, Thorpe, Wilson, Mr. Speaker - 14.

Noes—Barbour, Boardman, Boyer, Cornick, Forbis, Hamilton, McCormick, McElroy, Noyes, Sanders, Stuart - 11.

Absent—Brooke.

Failing to receive a two thirds vote the bill was declared lost.

The following message was received from the Council.

Mr. Speaker,

I am directed by the Council to inform the House that under a suspension of the rules Sub. for H.B. 92, H.B. 83—"An Act to protect Bison in certain Counties in M.T." C.B. 47—"An amendment to the Code of Civil procedure in relation to the taxation of costs in Civil Cases" were read 3rd time, passed and are transmitted.

Also,

H.B. 67—"A Bill for an Act to promote the fishing interests of Montana" was lost.

Respectfully
Harry R. Comly
Chf. Clerk

Bill transmitted were ordered enrolled.

The following Message was received from Council.

Mr. Speaker,

I am directed by the Council to inform the House that H.B. 73—"A Bill for an Act to pay certain Indebtedness".

H.B. 85—"An Act authorizing Surveyors and U.S. Depty mineral surveyors to perform certain act."

H.B. 93—"A Bill for an Act to authorize the Probate Judge of Deer Lodge County, Montana Territory to convey certain property."

C.B. 44—"An Act to prevent unlawful interference with private rights and private property."

C.B. 45—"An Act to protect Quail in the Territory of Montana" have passed the Council and are transmitted. That,

H.B. 53—"An Act in relation to the fees of Sheriffs" was read 3rd time and lost.

H.B. 31—"An Act to encourage the construction of Railroads in Montana" was read 3rd time and lost and the motion to reconsider was laid on the table.

Respectfully
Harry R. Comly
Chf. Clerk

On motion of Mr. McCormick the vote by which H.B. 2 was lost was reconsidered.

On motion of Mr. Sanders the vote by which C.B. 43 was passed was reconsidered.

Mr. Hamilton moved to suspend Rules and take up H.B. 52—"An Act to amend an Act concerning Licenses" which motion prevailed.

The Bill was read a 3rd time and passed by the following vote.

Ayes—Barbour, Beach, Boardman, Boyer, Combs, Cornick, Edwards, Fergus, Hamilton, Harrington, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—Marion.

Absent—Forbis, McCormick, Steell.

Title agreed to.

On motion of Mr. McCormick the Rules were suspended and H.B. 2 was taken up. Mr. Edwards moved to amend by striking out Sec. 11 and all following Sections. Amendments adopted and Clerk was directed to and did so amend bill in presence of the House. The Bill was then passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—None.

Absent—Forbis.

Title was amended to read "An Act to provide for refunding of the overdue

bonds of Missoula County with accrued interest and for other purposes".

On motion House took a recess until 2 O'clock P.M.

2 O'Clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Journal read and approved to this writing.

The Enrollment Comt reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment beg leave to report that the following bills were presented to the Governor at 11:50 A.M. Feby 21st 1879.

Viz:

H.B. No. 6—"An Act to require butchers to record brands."

H.B. 25—"An Act in relation to irrigation and water rights."

H.B. 86—"An Act to enable Meagher Co. to remove the County seat."

Also,

C.B. 4—"An Act to provide for the funding the bonds of Jefferson County."

Forbis

C.B. 33—"An Act to provide for printing Marks and Brands" with House amendments was read 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boyer, Brooke, Cornick, Edwards, Fergus, Harrington, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker - 20.

Noes—Robinson, Sanders.

Absent—Boardman, Combs, Forbis, Hamilton.

Title agreed to.

H.J.M. 13 asking Congress to pass an Enabling Act for Montana Territory was read 1st and 2nd time, Rules suspended, read 3rd time by Title and passed by the following vote:

Ayes—Barbour, Beach, Boyer, Combs, Cornick, Edwards, Fergus, Hamilton, Harrington, Mood, Noyes, Sanders, Stuart, Wilson, Mr. Speaker - 15.

Noes—Boardman, Brooke, Forbis, Marion, McCormick, McElroy, Perkins, Robinson, Steell, Sweeney, Thorpe - 11.

Title agreed to.

Mr. Sanders reported as follows:

Mr. Speaker,

Your Select Committee to which was refered H.B. 97—A Bill for "An Act to create and improve highways in Montana" have had the said Bill under consideration. It contemplates the payment by a County if more than a bare majority so desire.

Taxes on the road and leaves to the electors the determination whether the

advantages to be derived exceed the burdens to be borne. Your Committee do not think that it is the province of the Legislative Assembly to hold Montana in the bonds of isolation which now so sorely restrain its energies and burden its industries and a majority of the Committee has prepared a substitute bill which we recommend be adopted and that as so amended the bill do pass.

W.F. Sanders
Jas. Fergus
Steell
Beach
Stuart

Substitute report was adopted.

Mr. Robinson moved to amend as follows:

Amend by adding the following in lieu of Sec. 9.

Sec. 9. That nothing contained in this Act shall be so construed as to in any manner exempt any of the property in this Act named from assessment and taxation but all of said property shall be assessed to said owner thereof and the taxes collected from them or it in like manner as when property is assessed and taxed.

The amendment was lost.

On motion of Mr. Sanders the Rules were suspended, the bill considered engrossed and read 3rd time.

Mr. Sanders moved the previous question which motion prevailed and the Ayes and Noes being called the bill was passed as follows:

Ayes—Barbour, Beach, Boardman, Brooke, Combs, Cornick, Fergus, McCormick, McElroy, Mood, Noyes, Sanders, Stuart, Sweeney, Wilson, Mr. Speaker - 16.

Noes—Boyer, Hamilton, Harrington, Marion, Perkins, Robinson, Steell, Thorpe - 8.

Absent—Edwards, Forbis.

Title was agreed to.

The following message was received from the Council:

Mr. Speaker,

I am directed by the Council to inform the House that H.B. 41—A Bill for "An Act to provide for the payment by Deer Lodge Co. of certain expenses incurred during the Nez Perces War of 1877."

H.B. 63—"An Act to amend Sec. 48 of the Montana School law."

H.B. 64—"A Bill for an Act fixing the rate of toll for grinding grain."

H.B. 69—"An Act prescribing the duties of certain officers and prescribing a penalty for non-performance of their duties" and

C.J.R. 2 in relation to clerks have passed the Council and are transmitted. That,

H.B. 70—"An Act to amend Chapter 61 of the laws of Montana Territory in relation to deceased persons" and C.B. 37—"In relation to printing" were lost.

Respectfully
Harry R. Comly
Chf. Clerk

Also as follows:

H.B. 20—"An Act to provide for the taxation of the proceeds of mines" has passed the Council and is transmitted. Also, H.B. 38—"An Act to amend the Helena Incorporation Act" passed and amended.

Respectfully
Harry R. Comly
Chf. Clerk

H.B. 41, H.B. 63-64-69 transmitted with message as above were ordered enrolled.

Council Amendments to H.B. 38 was concurred in and Bill and Amendments ordered enrolled.

C.J.R. 2 in relation to clerks was read 1st and 2nd time and Mr. Robinson moved to amend as follows:

After Gilbert add Geo. D.C. Hibbs "five dollars". Amendment was adopted and ordered engrossed in presence of House, which was done accordingly and under a suspension of the Rules, Res. was read 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Perkins, Sanders, Steell, Stuart, Thorpe, Wilson, Mr. Speaker.

Noes—None.

Absent—Noyes, Robinson, Sweeney.

Title was agreed to.

The Enrollment Committee reported as follows:

Mr. Speaker,

Your Joint Committee on Enrollment has examined and compared the following bills and find the same correctly enrolled, to wit:

H.B. 85—"An Act authorizing surveyors and U.S. Deputy Mineral Surveyors to perform certain acts."

H.B. 42—"An Act to provide compensation for the Clerks of the District Court."

Forbis

Mr. Speaker announced that he now was about to sign H.B. 85 also, H.B. 42.

Ways and Means Comt reported as follows:

Mr. Speaker,

A majority of Ways and Means Comt beg leave to report H.B. 90—"An Act defining assessable property" with the following amendments.

Add to Sec. One

Twentieth The Personal Wardrobes of all persons

21—One gun to each family

22—All growing crops

23—All Acadamies

24—All Summaries

With the above Amendments we do advise that the bill pass.

McCormick
Edwards
Steell
Mood

Amendments reported by Committee on H.B. 90 were adopted.

Mr. Marion moved to amend as follows: Strike out all of lines 9 & 10 and insert in lieu thereof the following: Churches, Chapels and Equipments thereto and therewith provided rent is not paid for such ground so long as the same is used for that purpose only without yielding rent.

Which Amendment was lost.

Mr. Hamilton moved the following Amendment. Churches, Chapels and Equipments and the lots of ground appurtenant thereto and therewith provided rent is not paid for such ground, so long as the same is used for that purpose only without yielding rent.

The buildings and lots of ground appurtenant thereto and used therewith owned and used by the Order of Free and Accepted Masons, The Independent Order of Odd Fellows or by any benevolent or charitable society, if no rent are derived therefrom.

Upon the question of the adoption of the amendments the Ayes and Noes were called and amendment adopted by the following vote:

Ayes—Barbour, Brooke, Combs, Cornick, Forbis, Hamilton, Marion, Noyes, Robinson, Sweeney, Wilson, Mr. Speaker - 13.

Noes—Boardman, Boyer, Fergus, Harrington, McCormick, Mood, Perkins, Sanders, Steell, Stuart, Thorpe - 11.

Absent—Beach, Edwards.

Bill was ordered Engrossed.

C.B. 36—"An Act reapportioning members of the Legislative Assembly" was on motion made special order for 7 O'clock P.M.

Committee on Territorial affairs reported as follows:

Mr. Speaker,

Your Comt on Territorial Affairs to whom was referred C.J.R. 1 in relation to the appointment of a commissioner to examine the condition of the indigent insane of the Territory.

Having had the same under consideration Your Committee would recommend the following amendments.

Strike out semi-annually where it occurs and insert in lieu thereof bi-monthly.

Add to said resolution the words but such Physicians shall not be either directly or indirectly interested in the contract for the maintenance of the Insane and shall not receive to exceed fifty Dollars for each of said visits. Nor shall said visits exceed in number six in each year and no further contract for the maintenance of the indigent or other insane shall extend for a period of more than ninety days beyond the close of the next regular Session of the Legislative Assembly. Your Comt therefore beg leave to report the resolution back to the House and would recommend that it do pass with said amendments.

Sweeney
Chm

Under a suspension of the Rules H.B. 7—"An Act to tax Jury fees" was taken up and read 3rd time.

Mr. Sanders moved a recess until 7 O'clock which motion was lost.

Hamilton moved the previous question which motion being sustained the bill passed by the following vote:

Ayes—Barbour, Boyer, Brooke, Combs, Fergus, Forbis, Hamilton, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Steell, Stuart, Sweeney, Thorpe, Wilson.

Noes—Boardman, Cornick, Edwards, Harrington, Sanders, Mr. Speaker.

Absent—Beach.

C.B. 44—"An Act to prevent unlawful interference with private rights and private property" was read 1st and 2nd time and under a suspension of the Rules read 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—None.

Absent—Marion.

Title was agreed to. Mr. Sanders moved to reconsider the vote, which motion was on motion of Mr. Sanders laid upon the table.

The following message was received from the Council.

Mr. Speaker,

I am directed by the Council to inform the House that H.B. 76—"An Act requiring certain officers to report". H.B. 96—"An Act concerning the election of officers of Corporations" have passed the Council and are transmitted.

That the following bills have been passed under a suspension of the Rules.

H.B. 79—"An Act to provide for the incorporation of religious, benevolent and other associations."

H.J.M. 13 Asking Congress to pass an enabling act for Montana Territory. And,

C.B. 48—"An Act to provide for the transportation of Convicts from County Jails to the Penitentiary." That,

H.B. 82—"A Bill to exempt calves from taxation." And,

H.B. 49—"An Act to provide for submitting the question of calling a convention to frame a State Constitution" were laid upon the table.

Respectfully
Harry R. Comly
Chief Clerk

Also the following:

Mr. Speaker,

I am directed by the Council to inform the House that under a suspension of

the Rules H.B. 95—"An Act to encourage the manufacture of Sugar in the Territory of Montana" has passed the Council and is transmitted.

Respectfully,
Harry R. Comly, Chf. Clerk

H.B. 95, 76, 96, 79 and H.J.M. 13 transmitted with above message were ordered enrolled.

C.B. 45—"An Act to protect Quails in the Territory of Montana" read 1st and 2nd time and under a suspension of the Rules, read 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boyer, Brooke, Combs, Cornick, Edwards, Forbis, Harrington, Marion, McCormick, McElroy, Mood, Stuart, Sweeney, Wilson, Mr. Speaker.

Noes—Boardman, Fergus, Hamilton, Robinson, Sanders, Steell, Thorpe.

Absent—Noyes, Perkins, Sanders.

Title was agreed to.

H.J.M. 6 [sic] Asking Congress to pass an enabling Act for Montana Territory was read 1st and 2nd time and under a suspension of the Rules, Read 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Perkins, Sanders, Steell, Stuart, Sweeney, Thorpe, Mr. Speaker.

Noes—None.

Absent—Noyes, Robinson, Wilson.

Title was agreed to.

On motion House took a recess until 6½ O'clock P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Journal approved to this writing.

House B. 80—"An Act to amend An Act entitled An Act providing for the Collection of Revenue approved Jan 12th 1872" was read 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boyer, Brooke, Combs, Edwards, Fergus, Hamilton, Harrington, Marion, McElroy, Mood, Noyes, Robinson, Sanders, Steell, Stuart, Sweeney, Wilson, Mr. Speaker.

Noes—Perkins.

Absent—Boardman, Cornick, Forbis, McCormick, Thorpe.

Title agreed to.

Committee on Territorial Affairs reported as follows:

Mr. Speaker,

Your Committee on Territorial Affairs to whom was referred Substitute for Council Bill No. 21—"An Act concerning Fire Insurance Companies and

Agents" beg leave to report (by inserting the following amendments) that it do pass.

Amend Sec. 4 by striking out the word "principal" from line 10.

Also strike out the word "ten" in line 11 and insert in lieu thereof the words "seven dollars and fifty cents" and strike out all of Sec. 4 after the word "County" in line 21.

Sweeney
Chmn

Amendments reported were adopted.

C.B. 48—"An Act to provide for the transportation of criminals from County Jails to the Penitentiary" was read 1st and 2nd time. Rules suspended, read 3rd time and passed as follows:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Hamilton, Marion, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Wilson.

Noes—Mr. Speaker.

Absent—Forbis, McCormick, Thorpe, Harrington, Sweeney.

Title agreed to.

C.B. 47—"An Amendment to the Code of Civil procedure in relation to the taxation of costs in Civil cases" was read 1st and 2nd time and referred to Judiciary Committee.

Committee on Engrossment reported as follows:

Mr. Speaker,

Your Committee on Engrossment has examined and find correctly engrossed amendments to Substitute to C.B. 21 concerning Fire Insurance companies and agents.

Harrington

C.B. 21—"An Act concerning Fire Insurance companies and Agents" with amendments was read 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Hamilton, Harrington, McElroy, Noyes, Perkins, Robinson, Steell, Stuart, Sweeney, Wilson, Mr. Speaker.

Noes—Sanders.

Absent—Forbis, Marion, McCormick, Mood, Thorpe.

Title was agreed to.

C.B. 36—"An Act reapportioning Members of the Legislative Assembly", Special order for 7 O'clock P.M. was deferred to 8 O'clock.

C.B. 39—"An Act to Enable the Co. Com. to intelligently settle with Co. Treasurer" was read 3rd time and lost as follows.

Ayes—Harrington, Stuart, Mr. Speaker.

Noes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Fergus, Forbis, Hamilton, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Wilson.

Absent—Edwards, McCormick, Sweeney, Thorpe.

Engrossment Comt reported as follows:

Mr. Speaker,

Your Comt on Engrossment have examined and find correctly engrossed amendments to Substitute for C.B. 39—"An Act to enable the County commissioners to intelligently settle with Co. Treasurers".

Harrington

Also as follows:

Mr. Speaker,

Your Comt on Engrossment have examined and find correctly engrossed H.B. 89—"An Act in relation to fence".

Harrington

Mr. Speaker announced he was now about to sign H.B. 20—"An Act to tax proceed of mines" also H.B. 13—"An Act concerning diseased animals" also H.B. 79—"An Act to provide for incorporations of Religious, Benevolent or other Associations".

Engrossment Comt reported as follows:

Mr. Speaker,

Your Comt on Engrossment have examined and find correctly engrossed H.B. 57—"An Act concerning Crimes and punishment".

Harrington

On motion of Mr. Sanders the bill was recommitted to Engrossment Comt.

Enrollment Comt reported as follows:

Mr. Speaker,

Your Joint Comt on Enrollment beg leave to report the following bills correctly enrolled, viz:

H.B. 20—"An Act to provide for the taxation of the proceeds of mines."

H.B. 79—"An Act to provide for the incorporation of religious, benevolent and other associations."

Forbis

H.B. 13—"An Act concerning diseased animals."

H.B. 76—"An Act requiring certain officers to report."

H.B. 83—"An Act to protect Bison in certain Counties in Montana Territory."

H.B. 75—"An Act in relation to Insane Convicts."

H.B. 92—"An Act providing for a County Jail at Butte City, Deer Lodge Co."

Also,

H.J.M. 13 Asking Congress to pass an enabling Act for Montana Territory.

Forbis

Mr. Speaker announced that he was now about to sign H.B. 75, 76, 83, 92 and H.J.M. 13 reported as above by Enrollment Comt.

H.B. 89—"An Act in relation to fences and inclosures" was read 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Fergus, Harrington, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Thorpe, Wilson, Mr. Speaker.

Noes—Forbis, Harrington.

Absent—Edwards, Marion, McCormick, Sweeney.

Title was agreed to.

Mr. Fergus offered the following:

Resolved that the thanks of the House are due and are hereby tendered to the Hon. Samuel Word for the able, impartial and courteous manner in which he has discharged the duties of Speaker during the present session.

Res. Unanimously adopted by members rising in their Seats and voting Aye as their names were called.

Mr. Speaker announced that he was now about to sign C.B. 33.

Engrossment Committee reported as follows:

Mr. Speaker,

Your Comt on Engrossment have examined and find correctly engrossed H.B. 54—[sic] "An Act to amend an act entitled an act concerning crimes and punishment".

Harrington

Bill reported, was, under a suspension of Rules, read 3rd time and passed by the following vote:

Ayes—Barbour, Boardman, Boyer, Brooke, Combs, Fergus, Forbis, Hamilton, Harrington, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Wilson, Mr. Speaker.

Noes—None.

Absent—Beach, Cornick, Edwards, Marion, McCormick, Sweeney, Thorpe.

Title was agreed to.

The following message was received from the Council.

Mr. Speaker,

I am instructed by the Council to inform the House that House amendments to C.J.R. No. 2 has been concurred in and the Resolution ordered Enrolled.

That, H.B. 2 under a suspension of the rules has passed the Council.

Also, H.B. 32—"For the relief of W.F. Sanders and W.E. Cullen."

Respectfully
Harry R. Comly
Chief Clerk

Enrollment Comt reported as follows:

Mr. Speaker,

Your Joint Comt on Enrollment hereby report the following bills correctly enrolled.

H.B. 93—"An Act to authorize the Probate Judge of Deer Lodge Co. M.T. to convey certain property."

H.B. 73—"An Act to pay certain Indebtedness."

H.B. 64—"An Act fixing the rate of toll for grinding grain."

Also,

H.J.M. 12.

Also,

C.B. No. 33.

Forbis

H.B. 32 under a suspension of the rules was ordered enrolled.

Speaker announced that he was now about to sign H.B.s 64, 73, 93, and H.J.M. 12 reported as above by Enrollment Committee.

C.B. 36, Special order for 8 O'clock being before the House, Mr. Sanders moved to indefinitely postpone the bill upon which motion the Ayes and Noes were demanded when the motion was lost as follows:

Ayes—Fergus, Hamilton, Harrington, Steell, Stuart.

Noes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Forbis, Marion, McCormick, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Sweeney, Thorpe, Wilson, Mr. Speaker.

Comt on Engrossment reported as follows:

Mr. Speaker,

Your Comt on Engrossment have examined and find correctly engrossed amendments to H.B. 90—A bill for "An Act defining assessable property" and

H.B. 65—"A Bill for "An Act to amend Sec. 3 of An Act to authorize the holding of County Teachers Institutes."

Harrington

Journal approved to this writing.

Enrollment Comt reported as follows:

Mr. Speaker,

Your Joint Comt on Enrollment presented the following bills to the Governor at 9:05 P.M. Feby 21, 1879 to wit:

H.B. 75—"An Act in relation to insane convicts."

H.B. 76—"An Act requiring certain officers to report."

H.B. 92—"An Act constituting certain Buildings County Jails."

H.B. 85—"An Act authorizing surveyors and U.S. Dep. Min. Surveyors to perform Certain Acts."

H.B. 42—"An Act to provide compensation for the Clerks of the District Courts."

H.B. 83—"An Act to protect Bison in certain Counties in Montana Territory."

H.B. 20—"An Act to tax the proceeds of mines."

H.B. 79—"An Act to provide for the incorporation of Religious, Benevolent and other associations."

H.B. 13—"An Act in relation to diseased animals."

C.B. 33—"An Act to provide for printing Marks and Brands."

Forbis

H.B. 90—"An Act defining assessable property" was read 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Hamilton, Harrington, Marion, McCormick, McElroy, Mood, Robinson, Sanders, Steell, Stuart, Wilson.

Noes—Sweeney, Thorpe, Mr. Speaker.

Absent—Forbis, Noyes, Perkins.

Title agreed to.

Enrollment Comt reported as follows:

Mr. Speaker,

Your Joint Comt on Enrollment beg leave to report the following bills correctly enrolled viz:

H.B. 95—"An Act to encourage the manufacture of Sugar in M.T."

H.B. 96—"An Act Concerning Corporations."

C.J.R. 2.

Forbis

Mr. Speaker announced that he was now about to sign H.B. 95, 96 and C.J.R. 2.

The Engrossment Comt reported as follows:

Mr. Speaker, Your Comt on Engrossment reported as follows.

Mr. Speaker,

Your Comt on Engrossment have examined and find correctly engrossed House Amendments to C.J.R. No. 1 in relation to the appointment of a Commission to examine the condition of the indigent insane of the Territory.

Harrington

C.J.R. 1 was read 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McElroy, Mood, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—None.

Absent—McCormick, Noyes, Perkins.

Title agreed to.

The following message was received from the Council.

Mr. Speaker,

C.B. 29—"An Act to provide for the codification of the General laws of Montana Territory" has been returned without the Governors approval and the Council proceed to reconsider the same and the question shall the bill pass the Governors objections to the contrary notwithstanding prevailed by more than a two thirds vote and the bill and message is transmitted for the action of the House.

Respectfully
Harry R. Comly
Chf. Clerk

On motion of Mr. Sanders the vote on the bill transmitted was reconsidered and the motion being shall this bill pass the objections of the Governor to the contrary notwithstanding the bill was so passed by the following vote;

Ayes—Barbour, Beach, Boardman, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McElroy, Mood, Noyes, Perkins, Robinson, Steell, Sweeney, Thorpe, Wilson, Mr. Speaker - 21.

Noes—Boyer, Brooke, McCormick, Sanders, Stuart - 5.

H.B. 91—"An Act to legalize the action of school District No. 7 in Gallatin Co., Montana Territory."

Under a suspension of the rules was read 3rd time and passed by the following vote:

Ayes—Barbour, Beach, Boardman, Boyer, Brooke, Combs, Cornick, Edwards, Fergus, Forbis, Hamilton, Harrington, Marion, McElroy, Mood, Noyes, Perkins, Robinson, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson, Mr. Speaker.

Noes—None.

Absent—McCormick.

Title was agreed to.

C.B. 36—"An Act reapportioning the Members of the Legislative Assembly" being under consideration, Mr. Brooke moved to amend as follows: Strike out of Sec. 2 of bill the words "to the Counties of Jefferson, Gallatin jointly One member".

Strike out the words "to the County of Jefferson one member" and insert in lieu thereof the words "To the County of Jefferson Two members".

Brooke

Which amendment was lost and the Ayes and Noes being called the Bill was lost by the following vote:

Ayes—Barbour, Boardman, Boyer, Combs, Cornick, Forbis, Marion, McCormick, McElroy, Mood, Noyes, Robinson, Mr. Speaker - 13.

Noes—Beach, Brooke, Edwards, Hamilton, Fergus, Harrington, Perkins, Sanders, Steell, Stuart, Sweeney, Thorpe, Wilson - 13.

On motion the House took a recess until 10:30 O'clock P.M.

10:30 P.M.

House resumed.

Mr. Speaker in the Chair.

Roll called—Quorum present.

Journal read and approved to this writing.

The following communication from the Governor was received.

Territory of Montana
Executive Department
Helena, February 21, 1879

Hon. Samuel Word, Speaker of the House of Representatives
Sir,

I have the honor to inform the House of Representatives that I have approved and signed the following Bills to wit:

H.B. No. 12—Entitled "An Act prescribing a bounty for the destruction of certain animals."

H.B. 48—Entitled "An Act to provide for the keeping of the records of the district courts at the County seats of the Counties where such courts may be held."

H.B. 35—Entitled "An Act to amend an Act concerning crimes and punishments."

H.B. 45—Entitled "An Act authorizing Assessors to appoint a deputy."

H.J.R. 5 Referring to information concerning Montana.

H.B. 22—Entitled "An Act to establish and regulate the fees of Assessors."

H.B. 6—Entitled "An Act to compel Butchers to record brands."

H.B. 25—Entitled "An Act to amend an Act in relation to irrigation and water rights."

H.B. 43—Entitled "An Act to provide for the payment of certain expenses."

H.B. 92—Entitled "An Act providing for a County Jail at Butte City, Deer Lodge County."

H.B. 20—Entitled "An Act to provide for the taxation of the proceeds of mines."

H.B. 83—Entitled "An Act to protect Bison in certain counties in this Territory."

H.B. 42—Entitled "An Act to provide compensation for the Clerks of the District Courts."

H.B. 75—Entitled "An Act in relation to insane convicts."

H.B. 76—Entitled "An Act requiring certain officers to report."

H.B. 13—Entitled "An Act concerning diseased animals."

H.B. 79—Entitled "An Act to provide for the incorporation of religious, benevolent and other associations."

Respectfully
B.F. Potts

Mr. Stuart offered the following:

Resolved that the thanks of the House of the Legislative Assembly are tendered to the Reverend M.N. Gilbert for the dignified and eminently appropriate manner in which he has officiated as Chaplain during the Eleventh Legislative Assembly.

Which Resolution was unanimously adopted.

Enrollment Committee reported as follows:

Mr. Speaker,

The following bills were delivered to the Governor at 10:25 P.M. Feby 21, 1879.

H.B. 64—"An Act fixing the rate of toll for grinding grain."

H.B. 73—"An Act to pay certain indebtedness."

H.B. 93—"An Act to authorize the Probate Judge of Deer Lodge County M.T. to convey certain property."

Forbis

Also as follows:

Mr. Speaker,

Your Joint Comt on Enrollment beg leave to report the following bills correctly enrolled.

H.B. 38—"An Act to amend the Helena Incorporation Act."

H.B. 41—"An Act to provide for the payment by Deer Lodge County of certain expenses during the Nez Perces War of 1877."

H.B. 32—"An Act to pay for certain legal services."

H.B. 2—"An Act to provide for the refunding of the overdue bonds of Missoula County with accrued interest & for other purposes."

H.B. 77—"An Act to establish a public Highway in Township 11 Lewis & Clark Co." H.B. 69—"An Act prescribing the duties of certain officers."

H.B. 63—"An Act to amend Sec. 48 of the Montana School Laws."

Forbis

Mr. Speaker announced that he was now about to sign H.B. 69, H.B. 38, H.B. 32-41-77-63.

Mr. Sanders offered the following.

Resolved that a Committee of 2 be appointed by the Chair to wait upon His Excellency the Governor in Company with a like Committee on the part of the Council and ask him if he has any further communications to present to the Legislative Assembly. Res. was adopted and Mr. Speaker designated as such Committee Messrs. Sanders and Thorpe.

Mr. Marion offered the following. Res. that a vote of thanks is hereby tendered to J.E. Kanouse, S.C. Gilpatrick, J.W. Kemper, F. Gilbert, W. Hardenbrooke, J. Quirk and B.R. Roberts, Officers of the House of Representatives for their uniform courtesy to the Members of this House and the faithful discharge of their duties.

Marion

The Res. was unanimously adopted.

H.B. 55, under a suspension of the Rules, was considered enrolled.

Enrolling Comt reported as follows:

Mr. Speaker,

Your Joint Comt on Enrollment beg leave to report that the following bills were delivered to the Governor at 11:30 p.m., Feb. 21, 1879.

H.B. 2-32-63-77-96-95-41-69-38. C.J.R. 2.

Forbis

The following from the Council was received.

Mr. Speaker,

C.B. 1—"An Act concerning Limitations" was laid on the Table.

H.B. 52—"An Act to amend an act concerning Licenses" was indefinitely postponed.

H.B. 55—"An Act to Amend an Act entitled an Act to provide a Code of Civil procedure in the Territory of M.T." has passed the Council. Also, H.B. 68—"An Act regulating the fees and duties of Co. Com." as amended have passed the Council.

H.B. 14—"An Act to prescribe a day of rest" and

H.B. 11 have been indefinitely postponed.

Respectfully
H.R. Comly
Chf. Clerk

The Enrollment Comt. reported as follows:

Mr. Speaker,

The following Bills are correctly enrolled C.B. 45-44-48-21.

Forbis

Speaker announced that he was now about to sign C.B. 21-44-45-48.

Journal read and approved to this date.

Enrollment Comt reported as follows:

Mr. Speaker,

Your Joint Comt on Enrollment beg leave to report that the following Bills were presented to the Governor at 11:40 p.m. Feby 21, 1879. C.B. 21-44-45-48.

The following message was received.

Territory of Montana
Executive Department
Helena February 21, 1879

Hon. Sam Word, Speaker of the House of Representatives

Sir,

I have the honor to inform the House of Representatives that I have this day approved and signed the following bills to wit: H.B. No. 93—Entitled "An Act to authorize the Probate Judge of Deer Lodge County, Montana Territory to convey certain property". H.B. No. 64—Entitled "An Act fixing the rate of Toll for grinding grain". H.B. No. 73—Entitled "An Act to pay certain indebtedness." H.B. 95—"An Act to encourage Manufacture of Sugar in the Territory of Montana." H.B. 41—Entitled "An Act to provide for the payment by Deer Lodge County of certain expenses incurred during the Nez Perce War of 1877." H.B. No. 77—Entitled "An Act to establish a Public Highway in Township No. 11, County of Lewis and Clark." H.B. No. 96—Entitled "An Act concerning corporations." H.B. 69—Entitled "An Act prescribing the duties of certain officers and prescribing a penalty for non performance of their duties." H.B. No. 63—Entitled "An Act to amend Sec. 48 of the Montana School Law." H.B. 32—Entitled "An Act to pay for certain Legal services." H.B. No. 38—Entitled "An Act to amend the Helena Incorporation Act." H.B. No. 2—Entitled "An Act to provide for the refunding of the overdue bonds of Missoula County with accrued interest and for other purposes."

Respectfully
R. E. Potts

On motion the House of Representatives of the 11th Legislative Assembly adjourned Sine Die.

Attest

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

SUBJECT INDEX

1879 JOURNAL

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HB	House Bill
CB	Council Bill
HCR	House Concurrent Resolution
CCR	Council Concurrent Resolution
HJM	House Joint Memorial
CJM	Council Joint Memorial
HJR	House Joint Resolution
CJR	Council Joint Resolution

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- Encourage killing of wild animals—HB 12
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- Holding county teachers institutes—HB 65
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- Funding outstanding bonds of Jefferson Co.—CB 4
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JOINT RESOLUTIONS
IN THE HOUSE**

- 1 "In relation to the appointment of a Commissioner to examine the condition of the indigent insane of the Territory"

Legislative Day 40

- 2 "In relation to clerks"

Legislative Day 40

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